

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37505-2018
Decided on : 13.01.2020

Akash Kapil

..... Petitioner

Versus

Monika

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. M.S.Rana, Advocate
for the respondent.

Manjari Nehru Kaul, J.

Learned counsel for the respondent submits that in compliance of order dated 27.03.2019, DD bearing No.042507 dated 16.04.2019 in the sum of Rs.35,000/- in favour of the respondent-wife could not be encashed.

Learned counsel for the petitioner undertakes to revalidate the said demand draft and hand over the same to the respondent-wife on 17.02.2020, date already fixed before the Family Court, Chandigarh.

Main case

Instant petition has been filed under Section 482 read with Section 407 Cr.PC for transfer of the case titled as *Monika vs. Akash Kapil* filed under Section 125 Cr.PC, which is pending before District Judge (Family Court) SBS Nagar to the Court of competent jurisdiction at UT, Chandigarh.

It is averred that the marriage between the parties was

solemnized at Balachaur, District SBS Nagar on 03.12.2016. After the marriage, the petitioner came to know that the respondent-wife was seriously suffering from epilepsy but the said information was concealed due to which differences developed between the parties and led to multiple litigations. It is also averred that the petitioner filed a divorce petition on 06.12.2017 before the Principal Judge, Family Court, Bhopal. The respondent-wife approached the Hon'ble Supreme Court vide transfer petition (Civil) No.283 of 2018 for transfer of the said petition to SBS Nagar. Hon'ble Supreme Court vide order dated 13.03.2018 while allowing the transfer petition issued directions to the parties to appear before the concerned Court at Chandigarh on 23.04.2018. It is further averred that the respondent-wife also approached District Court, SBS Nagar under Section 125 Cr.PC, which is pending for consideration before District Judge (Family Court), SBS Nagar.

After hearing the learned counsel for the parties and keeping in view the averments made in the petition, I find that the grounds set out in the petition are sufficient to allow the petition.

In view of the above, the present petition is allowed. The petition filed under Section 125 Cr.PC titled as *Monika vs. Akash Kapil* pending in the Family Court, SBS Nagar is ordered to be withdrawn from that Court and transferred to the court of competent jurisdiction at

Chandigarh for disposal in accordance with law from the stage of withdrawal. The District Judge, Chandigarh may retain the case on his Board or transfer it to some other Court of competent jurisdiction. Parties through their counsel are directed to appear there on 17.02.2020.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

(MANJARI NEHRU KAUL)
JUDGE

13.01.2020
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No