

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CRM-M-16249-2021

DATE OF DECISION:- 19.04.2021

SAHIL GUPTA

...PETITIONER

VERSUS

RADHA THUKRAL AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishab Gupta, Advocate
for the petitioner.

...

SUVIR SEHGAL, J.

The hearing of the instant petition has been taken up through
Video Conferencing on account of outbreak of COVID-19 Pandemic.

Vide the instant petition filed under Section 407 read with
Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks
transfer of petition bearing No.MNT 125/136/2020 dated 29.02.2020 tiled
as “Radha Gupta and another versus Sahil Gupta” (Annexure P-7) filed
under Section 125 Cr.P.C. from the Court of Additional Principal Judge,
Family Court, Ludhiana to the Family Court at Hoshiarpur or in the
alternative to any other nearby place.

Counsel for the petitioner has urged that the marriage between the
petitioner and the wife-respondent No.1 had taken place on 05.02.2017 and

the parties resided together at Hoshiarpur. A child, respondent No.2, was born out of the wedlock and within a few months of the matrimony, respondent No.1 left the matrimonial home and started staying with her parents at Ludhiana. Counsel submits that after repeated attempts at reconciliation, respondent No.1 came back to Hoshiarpur, but did not stay with the petitioner for long. A petition for restitution of conjugal rights was filed by the petitioner at Hoshiarpur, however it was withdrawn on 25.11.2019 (Annexure P-2) as respondent No.1 had no interest in resettling with the petitioner. Counsel submits that a petition (Annexure P-5) for divorce under Section 13 of the Hindu Marriage Act, 1955 has been filed by the petitioner before the Family Court at Hoshiarpur on 03.01.2020 and as a counterblast, respondent No.1 filed the petition (Annexure P-7) under Section 125 Cr.P.C. at Ludhiana. Counsel contends that the petitioner has an apprehension of threat to his life from his wife-respondent No.1 and her family in case he goes to Ludhiana to attend the proceedings. He has referred to a complaint dated 24.02.2020 (Annexure P-6) and compromise (Anneuxre P-4) in support of his assertion.

I have considered the submissions made by the counsel for the petitioner.

From the record, it is clear that the petitioner is yet to be put in appearance in the petition (Annexure P-7) filed by his wife for grant of maintenance at Ludhiana. The apprehension of threat to his life is a mere figment of his imagination and is totally unfounded. It is not the case of the

petitioner that the Courts at Ludhiana do not have the territorial jurisdiction to try the petition (Annexure P-7). The distance between Hoshiarpur and Ludhaina is about 80 kms., which is easier for the petitioner to travel, whenever required, rather than for his wife-respondent No.1, who has the custody and is taking care of her two years’ old infant and is financially dependent upon her parents.

In view of the above facts and circumstances, the petitioner has not been able to make out any ground for transfer.

Petition is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

19.04.2021
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Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No