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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36665-2021

Date of Decision: November 09, 2021

Inspector Hargurdev Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

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

.....

RAJESH BHARDWAJ, J.

Instant petition has been filed under Section 407 read with Section 482 Cr.P.C. praying for transfer of the case No.Mnt125/22/2019 titled as **Sharanjit Kaur and others vs Inspector Hargurdev Singh**, filed under Section 125 Cr.P.C., dated 02.07.2019, Annexure P-2, pending before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, District Kapurthala to the Court of competent jurisdiction in the Amritsar Sessions Division.

It has been contended by counsel for the petitioner that marriage of the petitioner was solemnised with respondent No.2 on 09.12.2008 at RCF Kapurthala and after the marriage, both started living together as husband and wife. However, thereafter, the differences cropped in and the rift kept widening and due to the same since March 2014, the petitioner has been residing separately from respondent No.2.

The petitioner filed a petition under Section 13 of the Hindu

Marriage Act seeking dissolution of the marriage in July 2019, which is pending adjudication before the Court of Principal Judge, Family Court, Amritsar. Respondent No.2-wife has filed a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner in the Court of Sub Divisional Magistrate Sultanpur Lodhi. Counsel for the petitioner submits that respondent No.2 is residing alongwith the mother of the petitioner in District Amritsar and she has filed application under Section 125 Cr.P.C. intentionally at Sultanpur Lodhi just to harass the petitioner. He submits that respondent No.2 was proceeded ex parte in the petition under Section 13 of the Hindu Marriage Act seeking divorce filed by the petitioner and she filed application for setting aside the ex parte order in the aforesaid divorce petition in which she has given her address as Jandiala Guru, Amritsar.

The sum and substance of the argument raised by learned counsel for the petitioner is that he has filed the divorce petition at Amritsar and hence, the petition filed by respondent No.2-wife under Section 125 Cr.P.C. should also be transferred to Amritsar. It is apparent from the record of the case and arguments advanced by counsel for the petitioner that petitioner is serving in Police Department whereas, respondent No.2-wife is a house-wife, who is having the responsibility of children as well. Presently, she is residing with her parents and hence, she has filed the petition under Section 125 Cr.P.C. for grant of maintenance at Sultanpur Lodhi.

In the facts and circumstances of the case, it will be in the interest of justice if the respondent-wife, who has the responsibility of the minor children and is residing with her parents, is given an option of choosing the place of litigation. Hence, this Court does not find it

appropriate to transfer the petition filed under Section 125 Cr.P.C. for grant of maintenance to Amritsar.

The petition being devoid of any merit is hereby dismissed.

November 09, 2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |