

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

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(Through Video Conferencing)

CRM-M-4443-2022

Date of decision: 03.02.2022

Chander Kant Gupta @ Ruby

.....Petitioner

Versus

Esha and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.P. Soi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking transfer of criminal cases bearing Nos.CHI/103/2021 titled as 'State Vs. Chanderkant Gupta' pending in the Court of learned Judicial Magistrate 1st Class, Abohar, District Fazilka and COMA/56/2020 titled as 'Esha Vs. Chander Kant Gupta @ Ruby' under Sections 12, 14, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005, pending in the Court of learned Sub Divisional Magistrate, Abohar, District Fazilka, to a Court of competent jurisdiction at Nakodar, District Jalandhar.

It has been submitted by learned counsel for the petitioner that the petitioner is suffering from disability to the extent of 75% and hence it would be inconvenient for him to travel to Abohar on each and every date of hearing. It has also been submitted that since a petition under Section 13 of the Hindu Marriage Act, 1955 has been filed by the petitioner against respondent No.1 at Family Court, Nakodar, the aforementioned two cases be also transferred to a Court of competent jurisdiction at Nakodar.

A pointed query was put to the learned counsel for the

petitioner as to what was the stage of trial in the two cases pending at Abohar, to which he replied they were at the stage of prosecution evidence.

In the circumstances and considering the stage of trial, this Court is not inclined to accept the prayer of the petitioner for transfer of the above-mentioned cases to Nakodar which were admittedly filed much prior in time to the petition under Section 13 of the Hindu Marriage Act, 1955 which is pending at Nakodar.

Dismissed.

However, the petitioner is at liberty to move an appropriate application before the Court at Abohar for exemption from his personal appearance.

03.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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