

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-31360-2022

Date of Decision: July 27, 2022

Sandeep

... Petitioner

Versus

Nav Jyoti

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Vivek Puri, J.

By way of present petition under Section 407 of the Code of Criminal Procedure (for short 'Code'), the petitioner has sought the transfer of petition No. MNT/125/20/2022, date of institution 27.04.2022, under Section 125 of the Code titled as "Nav Jyoti Vs. Sandeep" from the Court of learned Principal Judge, Family Court, Fatehabad to the Court of competent jurisdiction at Sirsa.

The respondent is the wife of the petitioner and she has instituted a petition under Section 125 of the Code against the petitioner in the Court at Fatehabad for enforcing her claim for maintenance. The petitioner, who is

the husband, has sought the transfer of the petition to the Court of competent jurisdiction at Sirsa.

Learned counsel for the petitioner contends that the petitioner is a Government employee posted at Sirsa. Moreover, the divorce petition instituted by the petitioner is also pending in the Court at Sirsa. The proceedings under the Protection of Women from Domestic Violence Act have been instituted by the respondent and the same are pending at Fatehabad. Moreover, the petitioner has sought to rely upon the statement of Dilbag Singh (Annexure P-1) to make out a case that the respondent was having adulterous relations with him and not entitled to maintenance.

Merely because the petitioner is employed at Sirsa or he has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage at Sirsa cannot be construed as a circumstance for transfer of the petition under Section 125 of the Code. It has not been disputed that the respondent has also initiated the proceedings as per the provisions of the Protection of Women from Domestic Violence Act, which are pending in the Court at Fatehabad. It will not be appropriate for this Court to comment upon the evidentiary value of the statement of Dilbagh Singh sought to be relied upon by the petitioner at this stage. In the event, the statement could indicate or tend to defeat the claim of the respondent for maintenance, the same is to be

looked into by the competent court seized of the matter. The convenience of the wife is to be taken into consideration and the convenience of the husband in the instant case cannot be termed to be a circumstance to transfer the petition under Section 125 of the Code from Fatehabad to Sirsa.

In view of the aforesaid reason, instant petition being devoid of merit, is dismissed.

July 27, 2022
vkd

(Vivek Puri)
Judge

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