

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

CRM-M-30536-2019

Date of decision : 12.09.2022

Ishwari

.....Petitioner

versus

Jagdish and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Hitesh Pandit, Advocate
for respondent No.1.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for transfer of the trial in case MNT 125/41/2017 dated 02.02.2017 titled as Ishwari and another Vs. Jagdish under Section 125 Cr.P.C. from the Court of Additional Principal Judge, Family Court, Hisar to a Court of competent jurisdiction at Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner was married with respondent No.1 in the year 2000. Thereafter, due to matrimonial discord, both started living separately since 2006. He has submitted that the petitioner is a household woman and has no source of income. She had shifted from her matrimonial home in Hisar to Fatehabad with her parents. He submits that as the petitioner has no source of income, travelling all the way from Fatehabad to Hisar is not possible for her and thus, in the interest of justice, the trial in the said petition be transferred from the Court of Hisar to the Court at Fatehabad.

Learned counsel for the respondent has submitted that after filing of the present petition, three witnesses have been examined.

After hearing counsel for the parties and perusing the record, it is inferred that due to matrimonial discord, the petitioner is living at Fatehabad in the home of her parents. However, this Court would refrain itself from commenting anything on the merits of the case. The precise submission made by counsel for the petitioner is regarding the financial condition of the petitioner who has no source of income and now is totally dependent upon her parents. In view of the attending circumstances, travelling by the petitioner from Fatehabad to Hisar is not conducive.

Keeping in view the facts and circumstances of the case and without commenting anything on the merits of the case, this Court is of the opinion that ends of justice would be meted out in transferring the trial in the abovesaid petition from Hisar to Fatehabad. Resultantly, petition is allowed. Let the Court below deal with the same in accordance with the law. The trial of abovesaid case is transferred from the Court of Additional Principal Juge, Family Court, Hisar to the Court of competent jurisdiction at Fatehabad.

(RAJESH BHARDWAJ)
JUDGE

12.09.2022
m. sharma

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