

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

201

CRM-M-1049-2021

Date of Decision : 23.03.2023

Neeta Panwar and another

..... Petitioners

Versus

Vikrant Rajput

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Naveen Chopra, Advocate
for the petitioners.

Mr.Namit Gautam, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

The petitioners through instant petition under Section 407 read with Section 482 of Cr.P.C. is seeking transfer of Case No. MNT/52/19 dated 01.02.2019 filed under Section 125 Cr.P.C. titled as “Urvi vs. Vikrant Rajput” which is pending in the Court of Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Karnal.

Learned counsel for the petitioners, at the outset, submits that three cases under different enactments, however, between the same parties are already pending at District Court, Karnal. 4th case in question is the only case which is pending at Gurugram. The petitioner filed TA No.16 of 2021 before this Court seeking transfer of divorce petition filed under Section 13 of Hindu Marriage Act and the said petition stands allowed vide order dated 13.03.2023 passed by a Co-ordinate Bench of this Court.

On being confronted with the aforesaid order passed by a Co-ordinate Bench of this Court, learned counsel for the respondent expressed his inability to controvert the fact of transfer of petition under Section 13 of Hindu Marriage Act from Gurugram to Karnal. However, he pleaded that the petitioner herself, on the one hand, is claiming that she is working in Gurugram and on the other hand, she is seeking transfer of the proceedings under different enactments from Gurugram to Karnal.

In view of order dated 13.03.2023 passed by a Co-ordinate Bench of this Court in TA No.16 of 2021 whereby proceedings under Section 13 of Hindu Marriage Act has been transferred from Gurugram to Karnal, this Court has no option except to allow the present petition and transfer the proceedings under Section 125 Cr.P.C, pending before Family Court at Gurugram to Family Court at Karnal.

The petition is allowed with following directions :-

- (i) The Case No. MNT/52/19 dated 01.02.2019 filed under Section 125 Cr.P.C. titled as “Urvi vs. Vikrant Rajput” which is pending in the Court of Principal Judge, Family Court, Gurugram is ordered to be transferred to the competent Court of jurisdiction at Karnal.
- (ii) The Principal Judge, Family Court, Gurugram is directed to transfer record pertaining to the aforesaid case to District Judge, Karnal.
- (iii) The District Judge, Karnal will assign the said petition to the competent Court of jurisdiction.
- (iv) The parties are directed to appear before the trial

Court at Karnal on 20.04.2023 at the first instance and
thereafter as directed by said Court.

(JAGMOHAN BANSAL)
JUDGE

23.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>