

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

201

CRM-M-11545-2018

Date of Decision: 27.03.2023

Ravinder Khatri

...Petitioner

Versus

Jyoti Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ravinder Rana, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner

None for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 482 read with Section 407 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking transfer of petition bearing Case No.27/2017 titled as '*Jyoti Singh Versus Ravinder Khatri*' filed under Section 125 of Cr.P.C. which is pending before Additional Chief Judicial Magistrate, Rewari to any competent Court at District Jhajjar.

2. Learned counsel for the petitioner, *inter alia* contends that respondent has filed petition under Section 125 Cr.P.C. seeking maintenance against the petitioner. The petition is pending before Additional Chief Judicial Magistrate, Rewari. There are four more cases

between the parties which are pending at District Court Jhajjar. The details of pending cases are as below:-

- i. Petition under Section 13(1)(i)(a) of Hindu Marriage Act for dissolution of marriage by decree of divorce.
- ii. Trial of the case pertaining to FIR No.128 dated 12.12.2016 under Section 354(A)(1) and 509 IPC relating to Women Police Station, District Jhajjar.
- iii. Trial of case pertaining to FIR No.68 dated 12.07.2016 under Sections 498-A & 506 IPC relating to Women Police Station, District Jhajjar.
- iv. Petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 pending in the Court of District Jhajjar.

3. Learned counsel further submits that respondent had filed TA No.327 of 2017 seeking transfer of afore-stated cases from District Jhajjar to District Rewari, however, this Court vide order dated 28.02.2018 has declined prayer of the respondent.

4. In spite of notice, there is no representation of the respondent and matter is pending before this Court since 2018. There is stay in favour of the petitioner, thus, trial is lying standstill. There seems to be no reason for keeping the matter pending, thus, matter is taken up for final disposal.

5. It is settled proposition of law that matter, for the sake of convenience of parties, may be transferred from one district to another

district. Time and again, it has been held that in case of multiple cases between the same parties, it is advisable to transfer all the cases to one Court.

6. In the case in hand, apart from petition under Section 125 Cr.P.C. which is subject matter of present case, all other cases pending between the parties are pending at District Court, Jhajjar. Thus, it would be in the interest of justice and fitness of things, if petition under Section 125 Cr.P.C pending before District Court Rewari is transferred to District Court, Jhajjar.

7. In view of above facts and circumstances, the present petition is allowed with following directions:-

- (i) Case No.27/2017 dated 05.04.2017 filed under Section 125 Cr.P.C. titled as '*Jyoti Singh Versus Ravinder Khatri*' which is pending in the Court of Additional Chief Judicial Magistrate, Rewari, is ordered to be transferred to the competent Court of jurisdiction at Jhajjar.
- (ii) The Additional Chief Judicial Magistrate, Rewari is directed to transfer record pertaining to the aforesaid case to District Judge, Jhajjar.

(iii) The District Judge, Jhajjar will assign the said petition to the competent Court of jurisdiction.'

(iv) The parties are directed to appear before the Trial Court at Jhajjar on 24.04.2023 at the first instance and thereafter as directed by said Court.

Since, there is no representation on behalf of the respondent, the respondent would be at liberty to move an appropriate application if something survives.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

27.03.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*