

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

106

CRM-M No.21363 of 2023
Date of Decision: 07.07.2023

Babita

...Petitioner

Versus

Naveen

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Aashna Gill, Advocate
for the petitioner.

Mr. R.S. Malik, Advocate
for the respondent.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant application, the petitioner-wife has invoked the jurisdiction of this Court under Section 407 read with Section 482 Cr.P.C, to seek the transfer of the petition bearing No.**MNT-107/2022** titled as “**Naveen vs. Babita**”, as filed by the respondent-husband against her under Section 125 Cr.P.C (here-in-after to be referred as ‘the fresh petition’), from the Court of learned Additional Principal Judge (Family Court), Sonipat to the Court of competent jurisdiction at Panchkula, while averring that 03 (three) other cases arisen out of the matrimonial discord between the parties, i.e the petitions bearing **DMC No.136/2022**, filed by the respondent against her under Section 13 of the Hindu Marriage Act and **MNT-7/2022** preferred by her and their (parties’) daughter against the

respondent under Section 125 Cr.P.C and the complaint No.**COMA/1/2022**, moved by her against the respondent and his other family members under Section 12 of the Protection of Women from Domestic Violence Act, 2005, already stand transferred from the Courts at Sonipat to the Competent Courts at Panchkula, vide the orders Annexures P1 & P2, as passed by this Court on 15.07.2022 and 11.01.2023 respectively.

2. I have heard learned counsel for the petitioner as well as learned counsel for the respondent in the present application and have also perused the file carefully.

3. Learned counsel for the petitioner contends that after the transfer of the afore-referred 03 (three) cases from the Courts at Sonipat to the Courts at Panchkula, the respondent-husband has filed the above-said fresh petition against the petitioner at Sonipat, just to harass her and in fact, the petitioner is a working female and the minor daughter of the parties is staying with her and it would be very difficult for her to attend the Court at Sonipat in connection with the afore-said fresh petition, while leaving the minor daughter alone at Panchkula.

4. Per-contra, learned counsel for the respondent argues that the petitioner is the permanent resident of Sonipat and therefore, she can easily appear in the Court there and hence, this application be dismissed.

5. Keeping in view the facts that the petitioner is, admittedly, a working lady and is, presently, posted at Panchkula and that the daughter of the parties, who is stated to be just 09 (nine) years old, is residing with the petitioner and she would be left alone at Panchkula whenever the petitioner

would have to go to Sonipat in connection with the said fresh petition and that 03 (three) afore-mentioned cases, pending between the parties, already stand transferred from the Courts at Sonipat to the Competent Courts at Panchkula, this Court is of the considered opinion that the ends of justice will best be served and it will also be in the fitness of the things if the fresh petition, presently pending before the Court at Sonipat, is also transferred to the Court at Panchkula.

6. Accordingly, the petition in hand is hereby allowed with the following directions: -

- (i) *The petition bearing No.MNT-107/2022, filed under Section 125 Cr.P.C and pending before the Additional Principal Judge (Family Court), Sonipat, will be transferred to the competent Court of jurisdiction at Panchkula.*
- (ii) *The District Judge, Panchkula will assign the said petition to the competent Court of jurisdiction.*
- (iii) *The Family Court at Sonipat is directed to transfer all the record pertaining to the afore-said case to District Judge, Panchkula.*
- (iv) *The parties are directed to appear before the trial Court at Panchkula within a period of 01 (one) month from today.*

07.07.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No