

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 43913/2021
Date of decision: 20.07.2023.

Anita Devi

.....Petitioner

Vs.

Rajbir Singh Malik

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ramesh Sindhar, Advocate for the petitioner

Mr. Tejas Bansal, Advocate for the respondent.

Nidhi Gupta, J.

Petitioner-wife by way of present petition under Section 407(c) Cr.PC seeks transfer of her petition under Section 125 Cr.PC bearing MNT-125/35-2018 dated 4.5.2018 titled as 'Anita Devi v Rajbir Singh' from the Court of SDJM, Safidon (now held at Jind) to a court of competent jurisdiction at Karnal.

(2) Ld. counsel for the petitioner inter-alia, submits that marriage between the parties was held on 4.12.1998 at Indri, District Karnal according to Hindu rites and ceremonies. From the said marriage two children namely Harsh Malik aged 17 years and Namishka aged 7 years were born. It is alleged that respondent-husband is a drunkard and having illicit relations with some other woman and did not provide necessary means to petitioner for bread and butter. As such petitioner filed an application under Section 125 Cr.PC before JMJC, Safidon. It is submitted that now the said application under the order

dated 27.7.2021 passed by Principal Judge, Family Court, Jind stands transferred from Camp Court, Safidon to Family Court, Jind. It is submitted that petitioner is a domestic lady having two minor children with no source/support from her family and is residing at a rented accommodation at Karnal. It is further submitted that her minor children are studying at Karnal and she has no one in the family to accompany with her to Jind. It is accordingly prayed that the petition u/s 125 Cr.PC, as detailed in para 1 above, be transferred from Family Court, Jind, to Karnal. It is further submitted that the divorce petition filed by respondent-husband at Jind, on a petition filed by the petitioner, already stands transferred by this Court from Jind to Karnal vide order dated 8.1.2021 passed in TA No. 376/2020 (Annexure P-6).

(3) Ld. counsel for the respondent husband opposes the prayer, however, he is unable to dispute the aforesaid facts.

(4) Keeping in view the law laid down by Hon'ble Supreme Court in **"Sumita Singh vs Kumar Sanjay", 2002 SC 396** and **"Rajani Kishor Pardeshi vs Kishor Babulal Pardeshi", 2005(12) SCC 237**, wherein the Hon'ble Supreme Court has observed that *"while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardship"*, the present petition is **allowed**, and the petition u/s 125 Cr.PC filed by the petitioner, as detailed in para 1 above, is transferred from Family Court, Jind to a court of Competent jurisdiction at Karnal. Ld. District Judge, Karnal shall either try the case himself/herself or assign the same to a Court of competent jurisdiction at Karnal.

(5) Parties are directed to appear before the District Judge, Karnal
on 25.8.2023.

(6) Disposed of.

20.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No