

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-58787-2022

Date of Decision: 22.08.2023

Madhusudan

.... Petitioner

Versus

Manisha Devi

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Pranav Chamoli, Advocate for the petitioner.

Mr. Amarjit Beniwal, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

Petitioner-husband has filed the present petition under Section 407 read with Section 482 Cr.P.C., for transferring the petition for maintenance bearing Case No. MNT 125/443/2021 titled as '**Manisha Devi vs. Madhusudan**' (Annexure P-1), filed by respondent wife from the Court of Principal Judge, Family Court, Mansa (Punjab) to a Court of competent jurisdiction at Jind (Haryana).

At the outset, learned counsel for the petitioner submits that vide order dated 17.11.2022 (Annexure P-2), passed by this Court in TA-630-2019, '**Madhusudan vs. Manisha Devi**', the divorce petition filed by the respondent-wife, under Section 13 of the Hindu Marriage Act, 1955, has already been ordered to be transferred from the Family Court at Mansa to a Court of competent jurisdiction at Jind. Thus, it is prayed that the petition for grant of maintenance filed by the respondent-wife under Section 125 Cr.P.C. may also be ordered to be transferred to the Court of

competent jurisdiction at Jind.

At this stage, Mr. Amarjit Beniwal, Advocate has put in appearance on behalf of the respondent wife and submits his Vakalatnama which is taken on record. Learned counsel states that he has been instructed by the respondent to state that she has 'no objection' in case the proceedings under Section 125 Cr.P.C. for maintenance pending at Mansa are transferred to Jind.

In view of the agreed stand between the learned counsel for the parties, the present petition is allowed, petition under Section 125 Cr.P.C., as detailed in opening para of this order, is ordered to be transferred from Mansa to a Court of competent jurisdiction at Jind subject to the following conditions:

- a) The petition filed by respondent-wife under Section 125 Cr.P.C. for grant of maintenance, bearing **Case No. MNT 125/443/2021 titled as 'Manisha Devi vs. Madhusudan' (Annexure P-1)**, pending in the Court of learned Principal Judge, Family Court, Mansa (Punjab) is transferred to a Court of competent jurisdiction at Jind.
- b) The learned District Judge, Mansa is directed to transfer complete record pertaining to the aforesaid case to District Judge, Jind.
- c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Jind on 18.09.2023 for further proceedings, in accordance with law.
- d) The District Judge, Jind will assign the said petition to a Court of competent jurisdiction.

The concerned Court at Jind will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.

Disposed of.

Pending application(s),if any, also stand disposed of.

22.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**