

Sr.No.106

2023:PHHC:150302

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

CRM-M-59287-2023

Date of decision:24.11.2023

Ashu and another

.....Petitioners

Versus

Ankit Gulia

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Shokeen Singh Verma, Advocate
for the petitioners.

Harpreet Kaur Jeewan, J.(Oral)

1. Petition under Section 407 read with Section 482 Cr.P.C has been filed by the petitioner with a prayer to transfer the petition bearing Case No. MNT-04 of 2023 pending in the Court of learned Principal District Judge, Family Court, Gurugram under Section 125 Cr.P.C to the competent Court having jurisdiction at Charkhi Dadri.

2. Learned counsel for the petitioner *inter alia* contends that at the time of filing the above said petition at Gurugram, petitioner No.1 was residing in Gurugram, but due to financial issues, she alongwith her daughter had to move to her parental home. After that, she filed other cases in District Charkhi Dadri and now, it is very difficult for her to attend the hearing at Gurugram Court.

3. This Court feels that issuance of notice to the respondent would delay the proceedings.

4. Keeping in view the difficulty faced by the petitioner-wife who is also having a minor child and in view of the law laid down by the Hon'ble Supreme

Court in *Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237* and *N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199* the present petition is allowed and petition under Section 125 Cr.P.C filed by the petitioner bearing Case No. MNT-04 of 2023 pending in the Court of learned Principal District Judge, Family Court, Gurugram is ordered to be withdrawn from learned Principal District Judge, Family Court, Gurugram and transferred to Family Court at Charkhi Dadri. However, the respondent may approach this Court within a period of three months from today, if any facts have been mislead or concealed by the petitioner for revival of the petition subject to the following terms:-

- (a) Clearance of all arrears of maintenance, if any due.
- (b) Payment of Rs.20,000/- towards litigation expenses to the petitioner by way of demand draft in favour of the petitioner to be submitted alongwith the application for revival of this petition.

24th November, 2023

Shivani Kaushik

**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No