

Sr.No.113

2024:PHHC:012615

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

CRM-M-4702-2024(O&M)

Date of decision:30.01.2024

Shikha Goyal and another

.....Petitioner

Versus

Ritesh Goyal

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Ms. Pooja Jaglan, Advocate
for the petitioners.

Harpreet Kaur Jeewan, J.(Oral)

1. Present petition under Section 407 Cr.P.C read has been filed seeking transfer of the case No.MNT 125/137/2023 titled "*Shikha Goyal and anr vs. Ritesh Goyal*" under Section 125 Cr.P.C from District Court Rohtak to Family Court Samalkha.

2. Learned counsel for the petitioner *inter alia* contends that petitioner filed a petition under Section 125 Cr.P.C bearing Case No.MNT 125/137/2023 titled 'Shikha Goyal and anr vs. Ritesh Goyal' before District Court Rohtak which is now fixed for 03.04.2024. Now the petitioner is living with her aged parents at Samalkha alongwith her minor son-petitioner No.2 and it is very difficult for her to commute from Rohtak to Samalkha on every date of hearing. As such prayer was made for transfer of petition filed under Section 125 Cr.P.C bearing case No.MNT 125/137/2023 titled 'Shikha Goyal and anr vs. Ritesh Goyal' from District Court Rohtak to Family Court Samalkha.

3. Keeping in view the difficulty faced by the petitioner-wife who is also having a minor child 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bearing Case No. MNT 125/137/2023 (Annexure P-1) pending in the Court of District Court Rohtak is ordered to be withdrawn from there and transfer to the Family Court, Samalkha. However, the respondent may approach this Court within a period of three months from today, for revival of the petition, if any facts have been mislead or concealed by the petitioner 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.

30th January,2024

Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No