

Sr.No.109

2024:PHHC:011487

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

CRM-M-4444-2024(O&M)

Date of decision:29.01.2024

Dhan Devi and others

.....Petitioners

Versus

Ved Pal

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Mukesh Yadav, Advocate
for the petitioners.

Harpreet Kaur Jeewan, J.(Oral)

1. Present petition under Section 407 Cr.P.C read with Section 482 Cr.P.C has been filed seeking transfer of the case titled "Dhan Devi and others vs. Ved Pal" under Section 125 Cr.P.C from the Court of Principal Judge, Family Court, Charkhi Dadri (Annexure P-1) to the Court of Principal Judge, Family Court, Camp Kanina, District Mahendergarh.
2. Learned counsel for the petitioner *inter alia* contends that the petition under Section 125 Cr.P.C was filed by the petitioners and the same is pending before the Principal Judge, Family Court, Charkhi Dadri whereas two petitions have been filed by the respondent-husband i.e HMA 109/2023 under Section 13 A of Hindu Marriage Act and HMA 81/2023 under Section 9 of Hindu Marriage Act which are pending at Principal Judge, Family Court, Camp Kanina, District Mahendergarh. Presently the petitioner is residing at Mahendergarh and she has to travel from District Mahendergarh to Charkhi Dadri to attend the case filed by them under Section 125 Cr.P.C. In case the present petition under Section 125 Cr.P.C is transferred to Mahendergarh then all the three cases will be decided by the same Court which are pending *inter se* the parties.

3. Keeping in view the difficulty faced by the petitioner-wife who is also having two children aged 20 and 17 years 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-125/240/2017 (Annexure P-1) pending in the Court of learned Principal District Judge, Family Court, Charkhi Dadri is ordered to be withdrawn from learned Principal District Judge, Family Court, Charkhi Dadri and transferred to the Principal Judge, Family Court, Camp Kanina, District Mahendergarh. 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.

29th January,2024

Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No