

Sr.No.111

2024:PHHC: 020230

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

CRM-M-7415-2024(O&M)

Date of decision:13.02.2024

Gurpreet Kaur

.....Petitioner

Versus

Baljinder Kaur

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Ms. Geetika Rani, Advocate for
Mr. A.S.Kalra, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

1. Present application has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure for transferring the COMA No.678 of 2020 registered on 16.09.2020 (Annexure P-1) titled Baljinder Kaur vs. Gurpreet Kaur etc. under Section 12 of the Protection of Women from Domestic Violence Act 2005 pending before the learned Court of Judicial Magistrate, Amritsar to the competent Court of Law at Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that applicant alongwith minor child was staying in her matrimonial home at Amritsar at the time when the present petition was filed, however, she was ultimately turned out of her house in November, 2019 and since then she is living with her parents at Ludhiana. Even the other following litigations *inter se* the parties are already pending at Ludhiana:-

i) A petition filed by the petitioner under Section 125 Cr.P.C.

ii) A complaint filed under the Protection of Women from Domestic Violence Act, 2005.

iii) There is F.I.R. dated 25.11.2020 pending against the respondent's No.1 Son.

iv) Petition under Section 9 of Hindu Marriage Act filed by the husband of the petitioner at Amritsar already stood transfer to Ludhiana.

v) Civil Suit praying for decree of mandatory injunction filed by the father-in-law of the petitioner at Amritsar already stood transfer to Ludhiana.

3. The distance between Ludhiana to Amritsar is 144 km and it takes 3 hours to reach Amritsar. As such, it is very difficult for the petitioner to appear on each and every date at Amritsar. Parents of the petitioner are old.

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

5. 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 COMA No.678 of 2020 registered on 16.09.2020 (Annexure P-1) titled Baljinder Kaur vs. Gurpreet Kaur etc. under Section 12 of the Protection of Women from Domestic Violence Act 2005 pending in the Court of Judicial Magistrate, Amritsar ordered to be withdrawn from and transferred to the competent Court of Law at Ludhiana. 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.

13th February, 2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No