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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7068-2023 (O&M)
Date of decision: 25.09.2024

Yog Raj

... Petitioner

Vs.

Heena

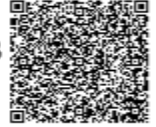
... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking transfer of the application bearing No.MNT125/173/2022 dated 15.10.2022 titled as '*Heena Vs. Yog Raj*', filed under Section 125 Cr.P.C., from the Court of learned Principal Judge, Family Court, Ferozepur to the Court of competent jurisdiction at Kapurthala.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is father of the respondent and seven months back, without the permission of the petitioner, she took away all of her household articles with her in order to stay alone from her family. She is working in the office



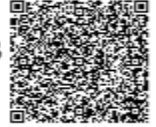
of SDO, Sub Urban Division at Kapurthala and is earning sufficiently. She filed an application under Section 125 Cr.P.C. at Ferozepur just to harass the petitioner.

3. Learned counsel for the petitioner further contends that the petitioner is bed-ridden and is unable to walk properly due to injury in hip joint, due to this, he is not in a position to attend the proceedings before learned Family Court, Ferozepur, as he has to travel around 122 km approximately. Learned counsel submits that the petitioner would be satisfied, in case he is allowed to join the proceedings through video conferencing.

4. Office report indicates that notice issued to the respondent has been received back unserved with the report that he is not residing at the given address.

5. I have heard learned counsel for the petitioner and perused the record of the case with his able assistance.

6. A two Judge Bench of the Hon'ble Supreme Court dealt with power of the Court to transfer proceedings under Sections 24 and 25 of the Civil Procedure Code in ***Kulwinder Kaur @ Kulwinder Gurcharan Singh Vs. Kandi Friends Education Trust, AIR 2008 SC 1333***, wherein it was held that the power to make such transfers is discretionary in nature and hence, it would be unwise to attempt to shackle it with a blanket formula uniformly applicable to all situations. However, it cannot be denied that the



power must be used with abundance of care and caution.

7. The the petitioner is a senior citizen and he is bed-ridden and is unable to walk due to the injury in hip joint. Further, distance from Kapurthala to Ferozepur is around 122 km and it would cause undue hardship to the respondent, in case the application under Section 125 Cr.P.C. is transferred to Kapurthala.

8. Keeping in view the facts and circumstances of the case, present petition is disposed of. In case, the petitioner moves an appropriate application for joining the proceedings through *Video Conferencing/Hybrid mode*, the same shall be considered and decided in accordance with High Court Rules and Orders, Model Rules on Video Conferencing, framed in this regard as well as the judgment rendered by this Court in ***Sukhmanjit Singh Dhindsa Vs. State of Punjab and others, 2024(1) RCR (Criminal) 636.***

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned Family Court shall proceed without being prejudiced by observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

25.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No