

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8080-2024 (O&M)
Date of Decision: 13.03.2024

SIMARPREET KAUR AND ANOTHER

.....PETITIONERS

Vs.

PRABHJIT SINGH

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Gurmeet Sagoo, Advocate,
for the petitioners.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed by the petitioners under Section 482 read with Section 407 of the Code of Criminal Procedure, 1973 (for short '*the Code*') is for transfer of Execution Application filed under Sections 125(3) and 128 of the Code, bearing No.CRM-17-2020, titled as "*Simarpreet Kaur and Another Vs. Prabhjit Singh*", pending before learned Principal Judge, Family Court, Ludhiana, (Camp at Khanna), to a competent Court at S.A.S. Nagar (Mohali).

2. Learned counsel for the petitioners *inter alia* contends that both the petitioners are daughters of the respondent. They filed the Execution Application against their father-respondent on 13.11.2020 for execution of the Award dated 30.11.2018, passed by the Judicial Magistrate 1st Class, Khanna. Marriage between the respondent and mother of the petitioners was solemnized on 26.02.1995, but due to the matrimonial discord, the mother of the petitioners was forced to leave the company of the respondent. Mother of the petitioners has single-handedly brought up the petitioners as she was

being treated with cruelty by her husband-respondent. The petitioners are currently residing along with their mother. The respondent used to beat up the mother of the petitioners with leather belt. Initially, the mother of the petitioners along with both her daughters (petitioners), shifted to a rented accommodation at Khanna but the respondent made their lives miserable and he continuously caused trouble to their family. Resultantly, mother of the petitioners, along with the petitioners, shifted from Khanna to Mohali. Mother of the petitioners, who was employed in a Bank at Khanna, even got herself transferred from Khanna to Mohali. The petitioners are presently pursuing their education and seeking coaching for competitive exams at Mohali, as such, it is very difficult for them to visit from Mohali to Khanna, which is about 68 kms, on each and every date of hearing to pursue the said Execution Application filed by them.

3. In view of the facts of the present case, this Court feels that issuance of notice to the respondent would delay the proceedings, as such, issuance of notice to the respondent is dispensed with.

4. Keeping in view the difficulty faced by the petitioners and in view of the law laid down by Hon'ble the 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 Execution Application filed under Sections 125(3) and 128 Cr.P.C., bearing No.CRM-17-2020, titled as "*Simarpreet Kaur and Another Vs. Prabhjit Singh*", pending before learned Principal Judge, Family Court, Ludhiana, Camp at Khanna, is ordered to be withdrawn

from Principal Judge, Family Court, Ludhiana, Camp at Khanna and transferred to Family Court, SAS Nagar, Mohali.

5. 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 petitioners, subject to the following terms:-

- (a) Clearance of all arrears of maintenance, if any due.
- (b) Payment of ₹15,000/- towards litigation expenses to the respondent by way of demand draft in favour of the petitioners to be submitted along with the application for revival of this petition.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

March 13, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Whether reportable

Yes

No