

211

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14657-2024 (O&M)
Date of decision: 25.09.2024

Sushila Indura @ Sushila Indora and others

... Petitioners

Vs.

Ved Parkash

... Respondent

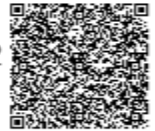
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukesh Kumar Jindal, Advocate
for the petitioners.

Mr. Suresh Kumar Verma, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeking transfer of the application bearing case No.MNT125/31/2023 dated 07.02.2023 titled as ‘*Ved Parkash Vs. Kartikey Indora and others*’, filed under Section 125 Cr.P.C., from the Court of learned Principal Judge,

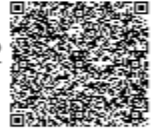


Family Court, Jind to the Court of learned Principal Judge, Family Court, Panchkula.

2. Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 is wife of the respondent and petitioners No.2 & 3 are his sons. The respondent filed the application (*supra*) seeking maintenance at Jind just to harass the petitioners at the behest of his relatives, whereas he was working as Superintendent in Command Area Development Authority, Panchkula and was also residing in Panchkula. Petitioner No.1 is working as Deputy Superintendent in Directorate of ESI Health Care, Haryana at Panchkula and she is chronic patient of diabetes for the last many years and is on regular medication and she also suffering from anxiety problem. Petitioners No.2 & 3 are also doing private jobs in Panchkula, therefore, it is very difficult for the petitioners to attend the proceedings before learned Family Court, Jind, as they have to travel around 183 km approximately. Learned counsel submits that the petitioners would be satisfied, in case they are allowed to join the proceedings through video conferencing.

3. Learned counsel for the respondent contends that the respondent is currently residing in District Jind and opposes the limited prayer made by learned counsel for the petitioners.

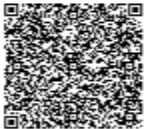
4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.



5. 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.

6. Petitioner No.1 is working in a Govt. Department at Panchkula and petitioners No.2 & 3 are also doing private jobs in Panchkula. Further, distance from Jind to Panchkula is around 183 km and it would cause undue hardship to the respondent, in case the petition under Section 125 Cr.P.C. is transferred to Panchkula.

7. Keeping in view the facts and circumstances of the case, present petition is disposed of. In case, the petitioners move 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***.



8. 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.

25.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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