



CRM-M-37047-2024

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132 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CRM-M-37047-2024
Decided on:01.08.2024

Mahabir Singh Petitioner

versus

G.P.G.Cattle Feed Pvt. Ltd. Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 447 Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') for
transferring of complaint No.NACT 1168/2023 dated 05.08.2023 under
Section 138 of Negotiable Instruments Act (hereinafter referred to as
'the Act') from the Courts at Ferozepur to Karnal.

2. Learned counsel for the petitioner contends that a criminal
complaint has been filed under 138 of the ACT at Ferozepur against the
petitioner; but a civil dispute is also pending between the same parties
pertaining to supply of cattle feed at Civil Court, Karnal. Learned
counsel has prayed that since the petitioner is not residing within the
territorial jurisdiction of JMIC, Ferozepur and it would be strenuous for
him to commute from Karnal to Ferozepur for the proceedings in the
case under Section 138 of the Act, the case at Ferozepur be
transferred to the Court at Karnal.



3. On a pointed query put to the learned counsel for the petitioner as to whether there was any connection between the criminal case pending at Ferozepur and the on going civil suit between the parties at Karnal, he has replied in the negative.
4. Heard learned counsel for the petitioner and perused the relevant material available on record.
5. This Court in exercise of its powers under Section 447 BNSS can order of transfer of a case from one Court to another only if some exceptional circumstances are brought-forth. However, in the present case, the petitioner has been unable to satisfy this Court as to why the case under Section 138 of the Act filed at Ferozepur should be transferred to Court at Karnal as admittedly both the cases are unrelated and involve different issues. Merely because the parties to both the litigations are same cannot be a ground to order transfer of case from Ferozepur to Karnal.
6. In the aforementioned facts and circumstances, this Court is of the opinion that no ground is made out to exercise its power under 447 BNSS. Accordingly, the present petition being devoid of any merit, stands dismissed.

01.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No