



**214-2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-48144-2021  
Date of decision: 15.10.2024

Aseem Narang

....Petitioner

Versus

Priyanka Devi and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Ms. Payel Mehta, Advocate  
for the petitioner.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') (Section 447 of BNSS) read with Section 482 Cr.P.C. (Section 528 of BNSS) seeking transfer of petition under Section 125 Cr.P.C. titled as 'Priyanka Devi and another Vs. Aseem Narang' (MNT125/64/2020) dated 24.12.2020 pending before the learned Family Court, Camp Court, Mukerian to the competent Court of jurisdiction at Chandigarh or Mohali.

2. Learned counsel for the petitioner *inter alia* contends that marriage between the petitioner and respondent No.1 was solemnized on 30.04.2015 as per Hindu Rites and Ceremonies at Mukerian. Thereafter, a matrimonial dispute has arisen between them, in result of which, the petitioner has filed a petition under Section 13 of the Hindu Marriage Act seeking divorce on the ground of cruelty and as a counter blast, respondent No.1 has filed multiple cases against the petitioner at Mukerian including petition under Section 125 Cr.P.C. before the learned Family Court at Mukerian. Thereafter, respondent No.1 has sought transfer of the divorce petition pending before the learned



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Family Court at Mohali to a competent Court of jurisdiction at Mukerian, however, the same was dismissed by this Court vide transfer application No.92 of 2021. It is further submitted that currently respondent No.1 is employed with the Chandigarh Administration and her current place of work is at Chandigarh and she is currently residing at Mohali. The appointment letter of respondent No.1 dated 31.03.2021 is available on record as Annexure P-2. It is further contended that in view of the fact both the parties resides in tricity, as such, the transfer of the trial would be in the interest of both the parties as it would facilitate the conclusion of the case expeditiously. Further, the distance between Mohali and Mukerian is around 200 km and it would cause great hardship and inconvenience to the petitioner to attend the Court proceedings at Mukerian.

3. In spite of service, there is no representation on behalf of the respondents, as such, this Court has no other option but to proceed and decide the case on merits.

4. 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.

5. Heard.



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6. In view of the above, the present petition is allowed. Resultantly, petition titled as 'Priyanka Devi and another Vs. Aseem Narang' (MNT125/64/2020) dated 24.12.2020 under Section 125 of Cr.P.C. pending before the learned Family Court, Camp Court, Mukerian is ordered to be transferred to the jurisdiction of District and Sessions Judge, Mohali. The District Judge, Mukerian is directed to transfer the record pertaining to the aforesaid case to the District Court, Mohali, who will assign the said case to the competent Court of jurisdiction at Mohali. The parties are directed to appear before the learned trial Court within a period of 30 days from today.

7. However, liberty is granted to the respondents to file an appropriate application in case the factual position as submitted by learned counsel for the petitioner is found to be incorrect.

(HARPREET SINGH BRAR)  
JUDGE

15.10.2024

Neha

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |