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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40491-2024

Date of decision: 21.08.2024

Nirmal Singh

....Petitioner

Versus

Gurmit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Arshit Goel, Advocate
for the petitioner.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023 for transferring the case filed by the respondent under Section 125 of Cr.P.C. pending in the Court of learned Principal Judge, Family Court Patti, District Tarn Taran to any other Court of competent jurisdiction at Jalandhar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner and the respondent are living separately since May, 1997, and the above captioned proceedings have been instituted only to harass the petitioner who is 68 years of age. To attend the proceedings at Family Court, Patti, he has to travel 100 km approximately and on 03.01.2024, when petitioner has gone to attend the Court proceedings, the respondent along with two other unknown persons threatened the petitioner to implicate him in a false case in case the civil suit filed by the petitioner is not withdrawn by him.

3. Having heard learned counsel for the petitioner and in view of the of the limited prayer made by counsel for the petitioner, this Court is deciding



the case in limine without issuing notice to the respondent, in order to save litigation cost of the respondent and judicial time of the Court.

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. The petitioner is 68 years of age and suffering from various ailments. Apart from this, he apprehends threat at the hand of the respondent as she has previously threatened him in context of the civil litigation pending between the petitioner and her son. Furthermore, distance from Patti, Tarn Taran to Jalandhar is 100 km and, therefore, it would cause undue hardship to the respondent.

6. The present petition is disposed of with the following directions:-

- (a) In case, the petitioner moves an appropriate application for joining the trial through Video Conferencing/Hybrid mode, the same shall be considered and decided in accordance with High Court Rules 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) R.C.R.(Criminal) 636***.

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

(HARPREET SINGH BRAR)
JUDGE

21.08.2024
Neha

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