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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43702-2024 (O&M)
Date of decision: 06.09.2024

Harmanpreet Singh

... Petitioner

Vs.

Amanpreet Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bawa, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 447 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking transfer of the petition bearing
No.MNT-423 of 2023 titled as '*Amanpreet Kaur and another Vs.
Harmanpreet Singh*', filed under Section 125 of the Code of Criminal
Procedure, 1973 (for short 'Cr.P.C.'), pending in the Court of learned
Principal Judge, Family Court, Phillaur, District Jalandhar to the Court of
competent jurisdiction at Amritsar.
2. Learned counsel for the petitioner, *inter alia*, contends that
marriage between the petitioner and respondent No.1 was solemnized on



15.01.2022 according to Sikh rites and rituals and out of this wedlock, one female child i.e. respondent No.2 was born on 13.01.2023 and at the time of her birth, the petitioner came to know about the fact that respondent No.1 was suffering from Tuberculosis, which was not disclosed to him at the time of marriage. However, he took care of the respondents and paid all the expenses. Thereafter, respondent No.1 and her family members pressurized the petitioner to transfer his properties in her name and upon denial, family members of respondent No.1 took her and the minor daughter of the petitioner along with them. The petition filed by the petitioner under Section 9 of Hindu Marriage Act, 1955 seeking restitution of conjugal rights stands allowed vide judgment dated 06.04.2024 (Annexure P-5) and as a counter-blast to the same, the respondents filed the petition under Section 125 Cr.P.C.

3. Learned counsel for the petitioner further contends that parents of the petitioner are senior citizens and they are suffering from various age related ailments and the petitioner is the only person, who takes care of them and to attend the proceedings before Family Court, Phillaur, District Jalandhar, the petitioner has to travel 128 km approximately. Learned counsel submits that the petitioner would be satisfied in case he is allowed to join the proceedings through video conferencing.

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

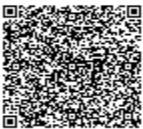


deciding the case *in limine* without issuing notice to the respondents, in order to save litigation cost of the respondents and judicial time of the Court.

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. The parents of the petitioner are aged persons and they are suffering from various age related ailments. Further, distance from Phillaur, District Jalandhar to Amritsar is 128 km and it would cause undue hardship to the respondents, in case the petition under Section 125 Cr.P.C. is transferred to Amritsar.

7. Keeping in view the facts and circumstances of the case, present petition is disposed of. In case, the petitioner moves 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.

[HARPREET SINGH BRAR]
JUDGE

06.09.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No