



Sr. No.112

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45038-2024

Date of decision: 20th September 2024

GAGANPREET KAUR AND ANR

.....Petitioners

versus

GURTEJ SINGH

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aditya Anand, Advocate
for the petitioners.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 447 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for transfer of the case bearing No.MNT-36-2022, titled as “Gaganpreet Kaur and another vs. Gurtej Singh” (Annexure P-9), from Family Court, Faridkot to Family Court, Moga.

2. Learned counsel for the petitioners *inter alia* contends that the marriage of petitioner No.1 was solemnized with the respondent on 03.04.2009 and there is some matrimonial dispute, regarding which the respondent had filed a divorce petition, which is pending at Family Court, Faridkot. The petitioner has filed an application under Section 125 Cr.P.C. bearing No.MNT-36-2022, instituted on 22.03.2022, which is pending before the Family Court, Faridabad. The petitioner is seeking transfer of the said petition, pending before the Family Court, Faridkot, to Principal Judge, Family Court, Moga, on the ground that she is living at Moga due to the matrimonial dispute and due to the medical issue of petitioner No.2, who is the minor son of petitioner No.1 and the respondent.



3. It is further contended that petitioner No.2 was diagnosed with 'Autism Spectrum Disorder' (ASD), at the time of his birth. As per the medical opinion dated 05.03.2021 by Dr. Jasmeet Sidhu, practicing at Moga (Annexures P-1 to P-3), the petitioner No.2 requires continuous treatment on regular basis. The Disability Certificate and Unique Disability ID of petitioner No.2 have also been issued by the competent authority, which are Annexures P-4 and P-5. It is further contended that it is very difficult for petitioner No.1 to travel from Moga to Faridkot on each date of hearing. At present, the petitioners are residing in a rented accommodation, as per the Rent Deed dated 31.0.2024 (Annexure P-6) and petitioner No.2 is also studying at Moga, which is evident from the School Fee Slip (Annexure P-8).

4. Keeping in view the facts and circumstances of this case, issuance of notice to the respondent is dispensed with.

5. Keeping in view the difficulty faced by the petitioners and in view of the law laid down by Hon'ble the Supreme Court in **Sumita Singh** Vs. **Kumar Sanjay and another** AIR 2002 SC 396, **Rajani Kishor Pardeshi** Vs. **Kishor Babulal Pardeshi** (2005) 12 SCC 237 and **N.C.V. Aishwarya** Vs. **A.S.Saravana Karthik Sha** 2022 SCC OnLine SC 1199, the present petition is allowed and petition under Section 125 Cr.P.C filed by petitioner No.1, bearing No. MNT-36-2022, pending in the Court of learned Principal Judge, Family Court, Faridkot, is ordered to be withdrawn from learned Principal Judge, Family Court, Faridkot and the same be transferred to the learned Principal Judge, Family Court, Moga.



6. However, the respondent may approach this Court within a period of three months from today for revival of the petition, if any facts have been misled or concealed by the petitioners.

7. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th September 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>