



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-57268-2024 (O&M)
Date of decision: 18.11.2024

ISHA SHREE

...Petitioner

Versus

PARKASH BHARDWAJ

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Nidhi Dahiya, Advocate for
Mr. Deepender Singh, Advocate
for the petitioner.

HARPREET KAUR JEEWAN , J.

1. Petition under Section 447 read with Section 528 BNSS, 2023 has been filed by the petitioner with a prayer to transfer the petition bearing Case No. MNT No.206 of 2023 pending in the Court of learned Principal Judge, Family Court, Gurugram under Section 125 Cr.P.C to the competent Court having jurisdiction at District Hisar.
2. Learned counsel for the petitioner contends that there was a matrimonial dispute *inter se* the petitioner and her husband-respondent. Earlier the petitioner was residing with her father, who was working as EHC in Haryana Police at Gurugram, however, the father of the petitioner had attained superannuation on 30.04.2023, as such, he has shifted to his native place situated at Hisar. The father of the petitioner is a permanent resident of Hisar, as is reflected in the pension payment order (Annexure P-2). Learned counsel for the petitioner further contends that presently, the petitioner along with her minor daughter is residing with her parents at Hisar and it is very difficult for the petitioner to travel from Hisar to Gurugram on each and every date of hearing to attend the proceedings of petition filed under Section 125 Cr.P.C. by her as



distance between Hisar to Gurugram is 180 kms approximately.

3. In view of the facts of the present case, this Court feels that issuance of notice to the respondent would delay the proceedings. As such, issuance of notice to the respondent is dispensed with.

4. Keeping in view the difficulty faced by the petitioner 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 the petitioner-wife bearing Case No. MNT No.206 of 2023 pending in the Court of learned Principal Judge, Family Court, Gurugram, is ordered to be withdrawn from learned Principal Judge, Family Court, Gurugram and transferred to the learned Principal Judge, Family Court, Hisar. However, the respondent-husband may approach this Court within a period of three months from today for revival of the petition, if any facts have been mislead or concealed by the petitioner, subject to the following terms:-

(a) Clearance of all arrears of maintenance, if any due.

(b) Payment of Rs.20,000/- towards litigation expenses to the petitioner by way of demand draft in favour of the petitioner to be submitted alongwith the application for revival of this petition.

5. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18.11.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No