



CRM-M-2022-2025 (O&M)

- 1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-2022-2025 (O&M)

Date of Decision: 16.01.2025

Rahul

...Petitioner

Versus

Sapna

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Varun Veer Chauhan, Advocate for the petitioner.

KIRTI SINGH, J.(Oral)

1. Prayer in this transfer petition filed by petitioner husband is for transfer of criminal petition under Section 127 Cr.P.C. titled as ***“Sapna vs. Rahul”*** bearing No. CRM/175/2023, filed by respondent No.1-wife pending in the Court of learned Principal District Judge, Bhiwani to the competent Court in District Faridabad.

2. Learned counsel for the petitioner submits that the petitioner is suffering from visual impairment and he has been diagnosed with ***“Both Eye Rod-Cone Dystrophy”*** and the extent of the disability is 100%. The petitioner is a resident of Faridabad and in these circumstances, attending court proceedings all the way at Bhiwani is an impossible task as the same is over 185 kms away from Faridabad.

Learned counsel refers to Annexure P-3 which is disability certificate of the petitioner issued by the Department of Empowerment of Persons with



Disabilities, Ministry of Social Justice, Government of Indian, issuing Medical Authority, Faridabad. He further submits that earlier the respondent-wife sought transfer of petition filed by the petitioner under Section 13 of Hindu Marriage Act from Faridabad to Bhiwani but with the consent of the parties, the same was transferred to District Jhajjar which is equidistant place from the residence of both the parties.

3. Learned counsel for the petitioner restrict his prayer and prays that the above stated petition under Section 127 Cr.P.C. may be transferred to the competent court in District Jhajjar where the petition under Section 13-B of Hindu Marriage Act is pending.

4. Heard.

5. Considering the medical disability of the petitioner and in view of the order dated 16.12.2024 (Annexure P-4) passed by the Co-ordinate Bench of this Court in TA-1026-2024 vide which the parties had agreed to transfer the petition filed under Section 13-B of Hindu Marriage Act, to the District Court at Jhajjar, accordingly this Court is of the view that it would be in the interest of justice to transfer the criminal petition filed under Section 127 Cr.P.C. titled as “**Sapna vs. Rahul**” **CRM/175/2023** to the court of competent jurisdiction at District Jhajjar where the petition under Section 13B of Hindu Marriage Act is also pending.



6. Thus, in the exceptional circumstances of the present case, this Court deems it appropriate to dispose of the present petition with the following directions:-

- a) Criminal petition under Section 127 Cr.P.C. titled as “Sapna vs. Rahul” CRM/175/2023 filed by the respondent-wife pending in the Court of learned Principal Judge, Bhiwani is transferred to a court of competent jurisdiction at Jhajjar.
- b) The learned District Judge, Bhiwani is directed to transfer complete record pertaining to the aforesaid case to District Judge, Jhajjar.
- c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Jhajjar within a period of one month.
- d) The District Judge, Jhajjar will assign the said petition to the Court of competent jurisdiction.

7. The concerned Court at Jhajjar will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

8. The present petition is decided *in limine* in order to save the litigation expenses to be incurred by the respondent-wife as well as judicial time of the court.

9. The petition stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

16.01.2025

Kapil

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No