



CRM-M-5560-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: 04.02.2025

Usha

...Petitioner

Versus

Sapna and others

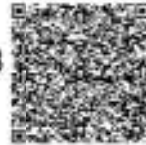
...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:-. Ms. Vasundhara Dalal Anand, Advocate
for the petitioner

KIRTI SINGH, J.(Oral)

1. Prayer in this petition filed by the petitioner (mother-in-law) is for transfer of petition under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 bearing COMA-1814-2018 dated 25.04.2018 titled as "*Sapna vs. Rahul and others*" pending in the Court of Judicial Magistrate 1st Class, Bhiwani to the competent Court of District Jhajjar.

2. Learned counsel for the petitioner submits that son of 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 from Faridabad. Learned counsel refers to Annexure P-2 which is disability certificate of son of the petitioner issued by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice, Government of India, issuing Medical Authority, Faridabad, Haryana. She further submits that earlier respondent No. 1-



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wife sought transfer of petition filed by son of 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. Learned counsel has placed reliance upon order dated 16.01.2025 passed by this Court in CRM-M-2022-2025 titled as ***Rahul vs. Sapna***, whereby 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 was transferred to a Court of competent jurisdiction at Jhajjar.

3. Learned counsel for the petitioner restrict her prayer and prays that the above stated complaint under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 may also 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 son of the petitioner and in view of order dated 16.12.2024 (Annexure P-6) 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 the 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 complaint under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 titled as “Sapna vs. Rahul and others” to the Court of competent jurisdiction at District Jhajjar where the petition under Section 13-B of Hindu Marriage Act is also pending.

6. Thus, in the exceptional circumstances of the present case, this Court



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deems it appropriate to dispose of the following directions:-

- a) Complaint under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 titled as “Sapna vs. Rahul and others” bearing COMA-1814-2018 dated 25.04.2018 filed by respondent No. 1-wife pending in the Court of 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.

04.02.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No