



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CRM-M-9192-2024 (O&M)

SUKHCHAIN SINGH

..... Petitioner

VERSUS

HARPREET KAUR

..Respondent

TA-227-2024

SUKHCHAIN SINGH

..... Applicant

VERSUS

HARPREET KAUR

..Respondent

**Reserved on: 17.09.2025
Pronounced on: 19.09.2025**

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner/applicant (in both cases).

Mr. Anil Kumar Garg, Advocate
for the respondent (in both cases).

Shalini Singh Nagpal, J.

CRM-12963-2024 in CRM-M-9192-2024

1. Application under Section 482 Cr.P.C. has been moved for placing on record Annexure R-1 and R-2 and for exemption from filing certified copy of the same.
2. Heard.
3. The application is allowed.
4. Exemption from filing the certified copy of Annexure R-1 and R-2 is allowed and the documents are taken on record, subject to just exceptions.



CRM-M-9192-2024 (O&M) and TA-227-2024

1. This common order shall determine two petitions, one under Section 407 Cr.P.C. read with Section 482 Cr.P.C. for transfer of case MNT 125/330/2021 titled ‘*Harpreet Kaur Vs. Sukhchain Singh*’ and another under Section 24 CPC for transfer of civil suit bearing No. CS/393/2021 titled ‘*Harpreet Kaur Vs. Sukhchain Singh*’ to the Court of competent jurisdiction at Amloh.

2. The parties, husband and wife are embroiled in multiple litigation, detailed as under:

Sr. No.	Particulars of the case	Type of case	Case pending at
1	MNT 125/330/2021 ‘ <i>Harpreet Kaur Vs. Sukhchain Singh</i> ’	Application U/s 125 Cr.P.C. for fixation of maintenance	Malerkotla
2	CS/393/2021 ‘ <i>Harpreet Kaur Vs. Sukhchain Singh</i> ’	Application under Order 33 Rule 1 and 2 CPC.	Malerkotla
3	Petition under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 for dissolution of marriage		Amloh, District Fatehgarh Sahib
4	Application under Sections 12, 19, 20(d), 21, 22, 23 of the Protection of Women from Domestic Violence Act, 2005.		Amloh, District Fatehgarh Sahib

3. The husband has filed the petition under Section 407 Cr.P.C. read with Section 482 Cr.P.C., seeking transfer of the maintenance case (Sr. No.1) from the Family Court at Malerkotla to Amloh, District Fatehgarh Sahib. Another petition under Section 24 CPC has been filed for transfer of civil suit (Sr. No. 2), pending in Family Court, Malerkotla to the Court of competent jurisdiction at Amloh, District Fatehgarh Sahib.

4. It is undisputed that the parties were married on 04.06.2008 and out of the wedlock, a male child, namely, Karan Sher was born on



02.01.2013. The grounds on which transfer of the case under Section 125 Cr.P.C. and the civil suit, both pending at Malerkotla is sought are:

- i) That petitioner is 75% handicapped.
- ii) That the only child of the parties is under his care and custody.
- iii) That the divorce petition under Section 13(1)(i-a) of Hindu Marriage Act, 1955 and application under Sections 12, 19, 20(d), 21, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 are also pending at Amloh, District Fatehgarh Sahib.

5. Learned counsel for the petitioner has argued that on account of the physical handicap faced by the petitioner who was looking after minor child of the parties, it was very difficult for him to travel to Malerkotla to contest the cases. Therefore, both cases ought to be transferred from Malerkotla to Amloh, District Fatehgarh Sahib.

6. The prayer is resisted by learned counsel for the respondent-wife, who contends that the petition under Section 13 of the Hindu Marriage Act, 1955 pending at Amloh, District Fatehgarh Sahib had since been dismissed and the wife was also ready to withdraw the application under Sections 12, 18, 19, 20(d), 21, 22 and 23 of Protection of Women from Domestic Violence Act, 2005, subject to the condition that both petitions for transfer are dismissed. It has been argued that transfer of the two maintenance cases from Malerkotla to Amloh, District Fatehgarh Sahib would cause great inconvenience to the wife who would be required to travel on each and every date of hearing to prosecute the cases.

7. Exercise of jurisdiction under Section 24 CPC, 1908 and Section 407 Cr.P.C. depends on facts and circumstances of each case. The



consistent view of the Courts is that, normally, convenience of the wife is to be seen when the cases arise out of matrimonial dispute. In exceptional cases, however, where facts are glaring, a departure can be made from the normal rule.

8. The husband, who is the petitioner before this Court, is differently abled. Copy of his Unique Disability ID (Annexure P-2) records permanent locomotor disability to the extent of 75%. It is also not disputed that the minor child of the parties, who is about 12 years old is being looked after by the petitioner. The application under Sections 12, 19, 20(d), 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, filed by the wife is already pending at Amloh, District Fatehgarh Sahib. The offer of withdrawal of the application, being conditional, does not appear to be bona fide.

9. In view of the disability suffered by the petitioner husband, who is looking after minor child of the parties and the hardship he will face in contesting both cases at Malerkotla, it would be proper to allow the petitions for transfer of the maintenance case under Section 125 Cr.P.C. as also the civil suit bearing No. CS/393/2021 from the Court at Malerkotla to Amloh, District Fatehgarh Sahib, where the petitioner is residing and where another litigation filed by the wife (Sr. No.4) is already pending.

10. The petition under Section 407 Cr.P.C. read with Section 482 Cr.P.C. for transfer of MNT 125/330/2021 titled '*Harpreet Kaur Vs. Sukhchain Singh*' and petition under Section 24 CPC for transfer of civil suit bearing No. CS/393/2021 titled '*Harpreet Kaur Vs. Sukhchain Singh*' are both allowed. Both cases are ordered to be transferred to the Court of competent jurisdiction at Amloh, Fatehgarh Sahib. Learned District &



Sessions Judge, Fatehgarh Sahib shall assign the case to the Court of competent jurisdiction, Amloh. The Courts at Malerkotla are directed to transmit entire record of the cases to District & Sessions Court, Fatehgarh Sahib. Parties are directed to appear before the concerned Court at Fatehgarh Sahib within a period of one month from today.

11. All the pending applications, if any, stand disposed of.
12. A photocopy of this order be placed on the file of other connected case.

(SHALINI SINGH NAGPAL)
JUDGE

19.09.2025

harpreet

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No