



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39709-2023 (O&M)

Date of Decision:10.07.2025

Yashica

.....Petitioner

Versus

Atul Dhiman and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rai Singh Chauhan, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 407 of Cr.P.C. read with Section 482 of Cr.P.C. for transferring the case bearing No.COMA-392-2021 titled as “*Yashica Vs. Atul Dhiman and others*” pending in the Court of Sh. Parminder Pindu, JMIC, Pathankot to a competent Court having jurisdiction at SAS Nagar (Mohali).

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case after the notice of motion was issued, the respondent despite being served has chosen not to appear before this Court.

3. Learned counsel further submitted that it is a case where at the time when the petition was filed by the petitioner under the DV Act (Annexure P-1), she was living at Pathankot but thereafter she has shifted to Mohali where her parents are residing and she resides with her parents. There is almost 300 kms distance between Mohali and Pathankot, which is a long distance and it is very difficult for her to travel from time to time to Pathankot. He further submitted that even otherwise also the respondent



No.1-husband had filed a petition under Section 13 of the Hindu Marriage Act at Kangra in Himachal Pradesh and the petitioner had filed a petition before Hon'ble Supreme Court for transfer of the aforesaid petition to SAS Nagar, which was allowed by Hon'ble Supreme Court on 18.04.2024 and the aforesaid petition was transferred to SAS Nagar, Mohali. He has produced a photocopy of the said order, which is hereby directed to be placed on record and marked as Mark 'X'. He further submitted that respondent No.1-husband had also filed another petition at Pathankot under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, which had also been transferred to SAS Nagar, Mohali, by a judgment of this Court dated 14.09.2023 in Transfer Application No.936-2023. He has also supplied a photocopy of the said judgment, which is hereby directed to be placed on record and marked as Mark 'Y'. He also submitted that in this way, the litigation between the parties is required to be clubbed at one district so as to avoid any inconvenience to the petitioner who is the wife.

4. I have heard learned counsel for the petitioner.

5. As per order dated 12.07.2024 which was passed in the present case and a perusal of the office note would show that respondents No.2 and 3 were served through their son and respondent No.4 was also served and thereafter as per separate report of the Registry, respondent No.1 had also been duly served. Respondent No.1 is the husband of the petitioner, however, nobody has appeared at any stage before this Court despite being served. At the time of issuance of notice of motion in the present case, an interim order was also passed to the effect that the proceedings in the petition, which is the subject matter of the present petition, pending before



the JMIC, Pathankot vide Annexure P-1, shall remain stayed till the next date of hearing and as per learned counsel for the petitioner, thereafter the complaint is still pending there.

6. In view of the aforesaid facts and circumstances, considering the fact that two other cases inter-se between the same parties i.e. the petitioner and the respondent-husband have since been transferred and they are pending before SAS Nagar, Mohali where according to learned counsel for the petitioner the petitioner resides, this Court therefore deems it fit and proper to allow the present petition as well. Consequently, the present petition is allowed.

7. It is directed that the petition bearing No.COMA/392/2021 titled as “*Yashica Vs. Atul Dhiman and others*” filed under the DV Act which is pending before JMIC, Pathankot, shall be transferred to the competent Court having jurisdiction at SAS Nagar, Mohali. The learned Sessions Judge/Chief Judicial Magistrate, SAS Nagar, Mohali, shall assign the aforesaid petition to a competent Court having jurisdiction. The learned JMIC, Pathankot, where the aforesaid petition is pending, is directed to transfer the entire record of the aforesaid case to the Sessions Division, SAS Nagar, Mohali and the parties shall thereafter appear according to the date fixed by the learned trial Court at SAS Nagar, Mohali.

(JASGURPREET SINGH PURI)
JUDGE

10.07.2025

shweta

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No