



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

Sr. No.120-2

CRM-M-48981-2024

Date of Decision: 02.05.2025

JATINDER PAL SINGH

....Petitioner

Versus

NAVLEEN SAGGU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Vinay Kumar Arya, Advocate for the respondent.

ARCHANA PURI, J. (Oral)

Though, separate reply has not been filed in the present petition at the instance of the respondent, but however, counsel for the respondent submits that he has filed transfer application i.e. TA-1376-2024, for seeking transfer of the petition under Section 9 of the Hindu Marriage Act. But since the same has been dismissed in default, he has withdrawn the said transfer application. In fact, he submits that the said transfer application be considered as reply for the purposes of the present application only.

Counsel for the parties heard.

The petitioner/husband has filed the present application for seeking transfer of the maintenance petition under Section 125 Cr.P.C. i.e. MNT125/103/2024 titled “Navleen Saggu v/s Jitender Pal Singh”, filed by the respondent/wife, which is pending in the courts at Jagadhari, District Yamunanagar and she seeks transfer of the same to the court of competent jurisdiction at Jalandhar.

It is evident that the marriage between the parties was solemnized on 18.01.2023, but no child was born from the said wedlock.



However, on account of matrimonial discord, the parties are residing separate. The applicant had filed petition under Section 9 of Hindu Marriage Act, as evident from the order passed today in the transfer application i.e. TA-1376-2024, which has since been dismissed as withdrawn. Even, the respondent, who is not having any source of earning, has filed the petition under Section 125 Cr.P.C. at Jagadhari, where she is residing with her parents.

In the case in hand, the husband now wants the transfer of the petition under Section 125 Cr.P.C. from Jagadhari to Jalandhar.

At the very outset, it is pertinent to mention that the provision of Section 125 Cr.P.C. is the beneficial piece of legislation. The husband, as such, cannot be made more comfortable at the cost of inconvenience of the wife. Even though, it is now asserted that petition under Section 9 of Hindu Marriage Act, was filed by the petitioner/husband, but however, the fact remains the same that the same has been dismissed for want of prosecution, only on the basis whereof, the transfer application i.e. TA-1376-2024, has since been dismissed, as withdrawn by the respondent-wife.

Considering the purpose of maintenance provided by the beneficial legislation and also considering the conduct of the petitioner in not pursuing the petition under Section 9 of Hindu Marriage Act, earlier filed by him at Jalandhar, no case is made out for allowing the present petition.

Hence, the same is hereby dismissed.

02.05.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No