



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

112

**CRM-M-16637-2025 (O&M)  
Date of Decision:28.03.2025**

Manjit Kaur and another

... Petitioners

Versus

Ranbir Kaur

... Respondent

**CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Pratham Sethi, Advocate  
for the petitioners.

\*\*\*

**NAMIT KUMAR, J. (ORAL)**

1. The present petition has been filed under Section 447 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for transfer of case titled as *Ranbir Kaur Vs. Harwinder Singh* bearing No.COMA/63/2024 pending before the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Fatehgarh Sahib to the learned trial Court at Patiala.

2. In brief, the facts are that marriage of respondent-Ranbir Kaur was solemnized with petitioner No.2-Hawinder Singh on 04.12.2004 as per Sikh rites and ceremonies and out of the said wedlock, a male child namely Simarpreet Singh was born on 17.09.2005. Thereafter on 20.09.2024, respondent has filed a complaint case No.COMA/63/2024 under Sections 12, 18, 19, 20 and 22 of the Protection of the Women from Domestic Violence Act, 2005 against the petitioners, which is sought to be transferred from the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Fatehgarh Sahib to the learned trial Court at Patiala.



3. Learned counsel for the petitioner submits that respondent is a practicing lawyer in the District Court, Fatehgarh Sahib, and, therefore, she may use her personal/professional influence against the petitioners.

4. I have heard learned counsel for the petitioners and perused the record.

5. The sole argument of learned counsel for the petitioner is that the respondent is a practicing lawyer in the District Court at Fatehgarh Sahib and therefore, there is a reasonable apprehension of biasness and favouritism or prejudice to them, as she may use personal or professional influence in the said Court where the proceedings under the Protection of the Women from Domestic Violence Act, 2005 are pending consideration. In the absence of any special circumstances quoted by the affected party based on concrete material, mere presumption of possible apprehension cannot be the basis of transfer of any case from one court to another. A mere feeling or suspicion is not enough to transfer a case from one court to another, as the apprehension must appear to the Court to be a reasonable apprehension. The petitioners have failed to demonstrate any concrete reasons or establish a well-founded apprehension that trial will not be conducted in a fair and impartial manner, owing to the fact that respondent is a practicing lawyer in the same Court where the proceedings under the Protection of the Women from Domestic Violence Act, 2005 are going on. The petitioners have not given any other sufficient grounds or reasons for seeking the transfer. No *prima facie* case for transfer is made out in their favour. The petitioners have neither shown that the trial Court is biased or prejudiced against them nor they have shown that the transfer of the case is necessary, which is stated to be pending for 01.04.2025 for



filing of reply to main complaint and to the application moved by the complainant-respondent seeking release of dowry articles before the trial Court. For securing the ends of justice, “mere apprehension” has to be differentiated from “reasonable apprehension”. Therefore, this Court is of the considered view that the transfer of the case is not necessary.

6. In view of the aforesaid facts and circumstances and also as per settled law, the convenience of the wife is to get the precedence, therefore, this Court is not inclined to use its discretionary power under Section 447 read with Section 528 of the BNSS, 2023 to transfer the case from the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Fatehgarh Sahib to the learned trial Court at Patiala, as prayed for in the instant petition and consequently, the same stands dismissed.

(NAMIT KUMAR)  
JUDGE

**March 28, 2025**

Pankaj\*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No