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

**CRM-M-29224-2025
Date of Decision: 26.05.2025**

Sukhwinder Kaur

.... Petitioner

Versus

Rupinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mikhail Kad, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 447 read with Section 528 of BNSS, 2023 seeking transfer of petition No.MNT125/37/2024 under Section 125 Cr.P.C. titled as "Sukhwinder Kaur and another Vs. Rupinder Singh" pending before learned Court of Additional Principal Judge, Family Court, Patiala for grant of maintenance fixed for 14.07.2025 to the Court of Principal Judge, Family Court, Malerkotla, Punjab with further prayer that the proceedings pending before learned Family Court, Patiala may be stayed during the pendency of the present petition. The transfer is being sought as Family Court, Patiala is 60 kms. away from the Family Court, Malerkotla.

2. Learned counsel for the petitioner submitted that the petitioner is the wife and respondent is the husband and she had filed a petition under Section 125 Cr.P.C. before learned Family Court, Patiala on 20.02.2024 and at that time she was living with maternal uncle at Patiala and now she has shifted to Malerkotla at her mother's house and she also has a minor child



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with her who is of the age of 3 years and she cannot travel along with her child on each and every date of hearing of the case. Therefore, the petition under Section 125 Cr.P.C. be transferred from learned Family Court, Patiala to learned Family Court, Malerkotla. He also submitted that there is another litigation under the D.V. Act which is also pending at Patiala.

3. I have heard the learned counsel for the petitioner.

4. The petitioner seeking transfer of the petition under Section 125 Cr.P.C. from learned Family Court, Patiala to learned Family Court, Malerkotla on the ground that although about one year and three months ago she herself had filed the aforesaid petition at Patiala but now since she has shifted to Malerkotla, the transfer of the case be effected because she is having a 3 year old child.

5. This Court is of the considered view that transfer of the cases should not be done in ordinary course. It is only in the exceptional circumstances where some acute hardships are shown or because of some other special reasons, the transfer can be made. In the present case, the petitioner herself had filed the petition under Section 125 Cr.P.C. in the learned Family Court, Patiala, just about one year and three months ago and now the mere fact that she has shifted to Malerkotla which is just 60 kms. away from Patiala itself cannot become a ground for transfer the aforesaid petition. So far as the argument raised by learned counsel for the petitioner that she is having a 3 years old son with her is concerned, the same is also not a ground to transfer the petition under Section 125 Cr.P.C. because the attendance of the child is not required in the Court. Apart from the above, even another litigation under the Domestic Violence Act is also pending at

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Patiala as per the learned counsel for the petitioner. Therefore, this Court is of the view that there is no ground available with the petitioner to transfer the petition from learned Family Court, Patiala to learned Family Court, Malerkotla.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

26.05.2025**(JASGURPREET SINGH PURI)***Bhumika***JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |