

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Misc. Civil Application No.352 of 2015
(Nagma Qureshi w/o. Rizwanuddin Qureshi .vs. Rizwanuddin Qureshi s/o.
Salauddin Qureshi)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr.S.S.Dhengale, Adv. for the applicant.

CORAM : A.P.BHANGALE, J.

DATED : 30th JUNE, 2015.

Heard.

By this application, applicant Nagma Qureshi has sought for transfer of matrimonial proceedings bearing Petition No.A-161/2014 from the Family Court at Akola to Civil Judge (Sr.Dn.), Durg in State of Chhattisgarh. Application is strongly opposed on the ground that the application for transfer of the matrimonial proceedings from the subordinate Court governed by the Bombay Court to the subordinate Court governed by the Chhattisgarh High Court can be made in the Supreme Court. Reliance is placed upon the Judgment in the case of Durgesh Sharma vs. Jayshree (Civil Appeal No.5857 of 2008 arising out of Special Leave Petition (Civil) No.8327 of 2007), delivered on 26th September, 2008. In para 71 thereof, the Apex Court has observed as under :

“ In our considered opinion, where several Courts having jurisdiction are subordinate to one appellate Court, an application for transfer may be made to such appellate Court and the Court may transfer a case from one Court subordinate to it to another Court subordinate to it. Likewise, where such Courts are subordinate to the same High Court, an application may be made and action may be taken by the High Court transferring a case from one Court subordinate to it to any other Court subordinate to that High Court. But where such Courts are subordinate to different High Courts, it is only the Supreme Court (this Court) which may pass an order of transfer. In other words, if two courts are subordinate to different High Courts, one High Court has no power, jurisdiction or authority to transfer a case pending in any court subordinate to that High Court to a Court subordinate to other High Court. It is only the Supreme Court (this Court) which may order the transfer. ”

That being so, only the Supreme Court can pass order for such transfer of proceedings from a Court subordinate to one High Court in a State to the other Court subordinate to other High Court in other State. Hence, the application is rejected.

JUDGE

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