

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

**TA No.634 of 2015.**

**Date of Decision: 09.09.2015.**

Sangeeta Singh

....Petitioner.

**VERSUS**

Ravi Ranjan Prasad Singh

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Tribhuvan Dahiya, Advocate for the petitioner.

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**SNEH PRASHAR, J.**

This is a petition under Section 24 read with Section 151 of the Code of Civil Procedure (for short, “the Code”) for transfer of HMA Case No.315 of 24.05.2012 titled 'Ravi Ranjan Prasad Singh vs. Sangeeta Singh' filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of District Judge (Family Court), Gurgaon to some other nearby Court of competent jurisdiction.

The submissions made by learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner argued that the impugned order dated 14.08.2015 passed by District Judge (Family Court) is erroneous and not factually correct. It only shows the biased attitude of the Court against the petitioner. The petitioner had been subjected to

unnecessary wrongful remarks. The impugned order has raised a reasonable apprehension in the mind of the petitioner that the trial of the case by the District Judge will not be fair and judicious. The reflection in the order that the child admitted before the Court that she is feeling pressurized was not correct. The entire remarks were highly prejudicial and unwarranted. The application filed by the petitioner under Section 26 of the Act of 1955 read with Section 151 of the Code for setting aside the order for custody and visitation rights passed on 10.10.2014 and 18.04.2015 is still pending before the Court and has not been decided till date. With the above submissions, learned counsel contended that the petition of the respondent pending before District Judge (Family Court), Gurgaon, be transferred to some other nearby Court.

Having gone through the orders dated 12.08.2015 and 14.08.2015 passed by District Judge (Family Court), Gurgaon, in my considered opinion, there appears no ground for transfer of the petition from the said Court. The order dated 14.08.2015 is a judicial order and as apparent from the order it was passed in the presence of the parties and their counsels. Nothing such had been expressed in the order which could indicate that the Presiding Officer was biased towards the petitioner. Rather, by way of pleadings in the present petition, the petitioner has commented upon almost all the orders passed by the District Judge (Family Court), Gurgaon with regard to visitation rights qua the child given to the respondent, although the orders were passed considering convenience of the petitioner and the child in every manner and the same had not been

challenged by the petitioner prior to this petition. It is necessary for the Court to record the demeanor and conduct of the parties/witnesses during the proceedings/ recording of their deposition if found necessary for being made part of the record. For doing so, it would be wrong to assume that the Court was biased or was not judicious.

As already observed above, the order against which the petitioner is aggrieved is a judicial order. As submitted by learned counsel for the petitioner, a civil revision assailing the order dated 14.08.2015 has already been filed by the petitioner. Transferring a case on the allegations that seem to be baseless can only have adverse repercussion on the sanctity of the Court.

Thus, finding no ground for transfer of petition under Section 13(1)(ia) of the Act of 1955, the instant petition is dismissed.

**(SNEH PRASHAR)**  
**JUDGE**

**09.09.2015.**  
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