

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (C) No.24 of 2016

Smt. Namita Chandrakar @ Bhawna, W/o Jitendra Chandrakar, aged about 27 years, R/o Bhagat Singh Square, Near Dr. Lohana Clinic, Tikrapara, Raipur, Tahsil and District Raipur, Chhattisgarh present Address Village Udena, P.O. Chhati, Tahsil Kurud, District Dhamtari, Chhattisgarh

---Petitioner

versus

Jitendra Chandrakar, S/o Shri Malik Ram Chandrakar, aged about 34 years, R/o In front of Sahu Building, Idgah Bhata, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ravindra Sharma, Advocate
For Respondent	:	Shri Mayank Chandrakar, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

24/6/2016

1. By means of this petition the Petitioner/wife has challenged the order of the Family Court, Raipur, whereby the Family Court, Raipur has refused to transfer the case from Family Court, Raipur to any other competent Court.
2. The only ground urged by the Petitioner/wife for transfer of the case is that the Family Court, Raipur has limited the time for cross-examination of the husband/Respondent herein to ½ hour. In the petition filed for transfer, it is stated that the cross-examination of the husband/Respondent may take time upto 8 hours. This by itself shows that the attitude of the present Petitioner/wife is obstructionist.
3. The husband has filed an affidavit in his examination-in-chief before the Family Court, which runs into 5 pages. The divorce is sought on the ground of desertion and cruelty. The Family Court is not required to record evidence in detail. It is not like a civil proceeding. The Family Court has full right to control the proceedings.

4. Therefore, the transfer petition is rejected. However, it is clarified that if the cross-examination of the husband/Respondent herein is relevant and the same is not being done by the wife/Petitioner herein only with a view to delay the proceedings, then the questions relevant to the case shall not be disallowed. But, at the same time, the Family Court shall not allow questions for cross-examination which would not be relevant with the case so that the cross-examination may not be very lengthy and carried on for a long duration. The petition is dismissed in the aforesaid terms.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE