

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 915 of 2016**

Vishal Jindal S/o Vijay Kumar Jindal, aged about 32 years, R/o 45, Jindal Niwas,
Deshmukh Marg, Dhantoli, Nagpur, Maharashtra.

---- Applicant

Versus

Smt. Pooja Jindal W/o Vishal Jindal, aged about 30 years, R/o Moda Niwada,
9/14, Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri P.R.Patankar, Advocate.
For Respondent	:	Shri Sourabh Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Order on Board

09/12/2016

1. Earlier, three transfer petitions viz. TP(C) No. 15 of 2016, 16 of 2016 and TP(Cr) No. 4 of 2016 were registered suo-moto by this Court because of a communication received from the Presiding Judge of the Family Court, Raigarh that one of the parties to the family dispute had approached him and therefore, he would not like to hear the matter.
2. The undisputed facts are that the parties were married to each other. The husband instituted a petition for divorce at Family Court, Nagpur, Maharashtra. The wife approached the Apex Court for transfer of the case to Raigarh in Chhattisgarh. Her petition was allowed and the divorce proceedings were transferred to the Family Court, Raigarh vide order of the Apex Court dated 02.01.2014, passed in Transfer Petition (Civil) No. 616 of 2012. For more than seven months, the proceedings before the Family Court are stalled. The Presiding Officer does not want to hear the case since he was being pressurized by one of the parties.

3. Earlier, when the transfer petitions were registered, I had felt that since the matter had been transferred to the Family Court, Raigarh by the Apex Court, it would not be proper for this Court to pass any order. Thereafter, the husband filed an application for a direction before the Apex Court and the following order has been passed:

"Since the matter has already been transferred, the High Court will now have jurisdiction to decide whether it should be transferred to some other place within the jurisdiction of the High Court or not."

4. The Judge in question does not want to hear the matter. The husband lives in Nagpur and the wife is stationed at Raigarh which is at the other end of the State as far as Nagpur is concerned. Convenience of both the parties has to be seen and there are directly connecting trains between Raigarh and Bilaspur as well as Nagpur and Bilaspur. Therefore, all the three cases are transferred to the Court of Principal Judge, Family Court Bilaspur. The Family Court, Raigarh is directed to send the records of all the three cases to the Principal Judge, Family Court, Bilaspur so as to reach by 10.01.2017.

5. The parties are directed to appear before the Principal Judge, Family Court, Bilaspur on 18.01.2017.

6. This MCC stands disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE