

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.458 of 2018

=====

Uday Bhan Singh, Son of Lalla Singh, resident of Village- Fakra Bad,
P.S.- Chainpur, District- Kaimur (Bhabhua).

.... Petitioner

Versus

Chandan Kumar Patel, son of Babban Singh, resident of Bhabhua Ward
No. 01, Astbhuji Chowk, P.O. + P.S.- Bhabhua, District- Kaimur Bhabhua.

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
Ms. Kiran Kumari Sharma, Advocate

For the Respondent/s : Ms. Vagisha Pragya Vacak Navi, Advocate
Mr. Manu Tripurari, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7. 27-08-2018

Heard learned counsel for the petitioner and
learned counsel representing the opposite party.

This application has been preferred seeking
transfer of the Minority and Guardianship Act Case No.
2/2015 filed under Section 7(1)(g) of the Family Court Act,
1984 from the court of learned Principal Judge, Family
Court, Kaimur, Bhabhua to the court of learned Principal
Judge, Family Court, Sasaram.

As the matter was called out, learned counsel for
the opposite party took a stand that at this stage when the
case is at the fag end stage and the parties have already led
their evidences, even as the opposite party who is petitioner
before this court has produced two witnesses and they have



been examined and cross examined by the petitioner in the court below, it would not be just and proper to entertain the present application for transfer of the case.

While trying to persuade this court, learned counsel representing the petitioner in the present case submits that in fact what has been expressed by way of observation by the learned Principal Judge, Family Court, Kaimuar, Bhabhua has given rise to a belief in the mind of this petitioner that the court is going with the stand of the petitioner in the court below and therefore the opposite party-petitioner has moved this court for transfer of the application.

Learned counsel for the petitioner however is unable to show any material on the record to demonstrate even *prima-facie* that the court has been biased with the petitioner herein and the expression of certain observations in course of hearing would amount to bias on the part of the court. This court as well as the Hon'ble Apex Court have on many occasions deprecated this kind of approach on the part of the litigant in moving an application seeking transfer of the case on mere allegations against the presiding officer without there being any material even to substantiate *prima-*



facie such allegations.

In the opinion of this court, it is one of those cases where the petitioner has indulged in the practice of making allegation against the presiding officer of the court without there being any material. No case for transfer of the case is made out.

The application seems to be totally misconceived, and is hereby dismissed.

Even though this court was willing to impose some cost against the petitioner however in the nature of the case the court is restraining itself recording a note of caution for the petitioner not to indulge in making such allegations which are baseless.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

