

HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 4 of 2018**

Sachidananda Sahoo S/o Shri Trilochan Sahoo, Aged About 32 Years Profession CPL Rank Corporal Service No. 915892, Resident of Main Road, Koraput, District Koraput, Orissa, at Present Resident of SMQ- 365/06, Akash Vihar, Air Force Station, Suratgarh, District- Shriganganagar (Rajasthan) Pin - 335804.

---- Petitioner**Versus**

1. Smt. Smriti Sahoo, W/o Sachidananda Sahoo, Aged About 30 Years.
2. Ku. Aashvi Sahoo, D/o Sachidananda Sahoo, Aged About 3 Years (minor), through- Natural Guardian Mother Smt. Smriti Sahoo.

Both are R/o- Pathraguda, Veer Sawarkar Ward, Jagdalpur, P.S. Jagdalpur, District- Bastar (C.G.)

---- Respondents

For Petitioner : Mr. Anand Prakash Sharma, Advocate.

For Respondents : Mr. Prateek Sharma, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****04/09/2018**

1. This transfer petition is preferred under Section 407 of the Code of Criminal Procedure, 1973 for transferring Miscellaneous Judicial Case No. 42/2017 (Smt. Smriti Sahoo & another Vs. Sachidananda Sahoo) pending before Family Court, Bastar (C.G.) under Section 125 of the Code of Criminal Procedure, 1973 for maintenance.
2. Transfer is sought on the ground that the petitioner is serving in Air Force and he has only 60 days leave in a year, repeated leave for court hearing hampers his service to the nation. The other grounds is that counsel of respondents and Advocate father Narendra Padi practicing in the same court,

the petitioner has reasonable apprehension that he might not get justice in the court, in which the case is pending.

3. The application is pending before the Family Court is regarding maintenance of wife and children for their basic requirements of day to day. The petitioner is not required to attend the said court in every hearing because his attendance is not required by any bond/surety. If he wishes to examine as witness then only, his presence is necessary.
4. The issue involved between the parties is summary in nature and the same is not time taking. It appears from order-sheet of the trial court that representation is made through counsel of the petitioner, apprehension of influence by any counsel is also without substance. The grounds raised by the petitioner is not sustainable.
5. Accordingly, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge