

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No.20 of 2018**

- Rakesh Soni, S/o. Late Panna Lal Soni, Aged About 30 Years R/o Chantidih Ramayan Chowk Tahsil And District Bilaspur Chhattisgarh.

---- **Petitioner****Versus**

- Smt. Varsha Soni W/o Rakesh Soni, Aged About 21 Years R/o Manendragarh, Ward No. 28, In Front Of Sai Temple, Police Station Civil Line, Manendragarh, District Koriya Chhattisgarh.

---- **Respondent**

For the appellant : Shri Amit Kumar, Advocate
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

27.8.2018.

1. This is an application filed under Section 407 of Code of Criminal Procedure, 1973 for transfer of Case No.57/2018 pending before Family Court, Manendragarh to Family Court, Bilaspur.

2. As per the petitioner, application under Section 125 CrPC has been filed before the Family Court, Manendragarh by the respondent. The petitioner is working as a labour and it is difficult for him to travel from time to time to appear before the Court to contest the case which is about 250 km away from Bilaspur. Therefore, the case pending at Family Court Manendragarh be transferred to Family Court Bilaspur.

3. In view of this Court, application filed under Section 125 CrPC is for maintenance and the same is summary procedure in

nature. The petitioner can make his representation through a counsel and he is not required to attend the hearing personally in every date. If the petitioner is willing to adduce his evidence, then only personal attendance is required. From the petition it is clear that the application is filed before the Family court on 06.6.2018 and the same shall be decided by the said Court on priority basis as the procedure is summary in nature. Therefore, no case for transferring the said proceedings is made out.

4. Consequently, the petition is dismissed at the motion stage itself.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**