

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 57 of 2018

Sumit Shivhare, S/o. Shri Bhimsen Shivhare, Aged About 38 Years,
Occupation - Service (Torento Power Private Limited, Agra) (Presently Out
Of Job) R/o. Khamaria, Jabalpur, Madhya Pradesh.

---- Petitioner

Versus

Monika Jaiswal, W/o. Shri Sumit Shrivhare, Aged About 29 Years, D/o.
Shri Radhey Shyam Jaiswal, R/o. Ward No. 6, Baikunthpur, District Koriya,
Chhattisgarh.

---- Respondent

For Petitioner : Ms. Binu Sharma, Advocate

For Respondent : Mr. Shivendu Pandya, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.12.2018

Heard

1. The present petition is filed by the husband for transfer of a Civil Suit No.45-A/2016 pending before the Family Court, Baikunthpur to the Family Court, Bilaspur or any other Family Court.
2. Learned counsel for the petitioner submits that during the pendency of divorce petition, which was preferred by the wife/ respondent herein, the husband had filed certain orders, which were passed for acquittal under Section 498-A of I.P.C. to demonstrate that false allegations were leveled. The certified copy of the acquittal order was placed on record, which was accepted. However, when the question was asked in respect of the same, it was not allowed, therefore, there is every likelihood of bias in the mind of the petitioner to get a fair justice. Therefore, the divorce

petition pending before the Court below may be transferred to some other Court.

3. Per contra, learned counsel for the respondent vehemently opposes the same.
4. Perused the order of the trial Court. Perusal of the order of the trial Court reflects that the question which was asked about is an opinion of the litigant. The petitioner wanted to ask as to what should be the duty of the ideal wife, the same was not allowed. Therefore, an application was filed to allow him to put such question, which eventually stands rejected. The tenure of the order and the facts which are disclosed shows that it is the Court who is in the hold of the case can decide in the relevant fact as to whether any question can be allowed or not. Even if the certified copy of the order is placed, the Court can look into it if it is relevant, only mere because of the fact that certain questions have not been allowed by the Court, bias cannot be inferred by adopting the submission of the petitioner. After examination of the relevant documents connected to this petition and the reply, I am not inclined to exercise the transfer jurisdiction conferred in this Court.
5. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge