

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No.21 of 2018**

- Shiv Kumar Sahu S/o Shri Bhukhi Ram Sahu Aged About 59 Years R/o- Village Hardi (Jarve), Tahsil Baloda, District- Janjgir-Champa, Chhattisgarh.

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

- Smt. Surekha Sahu W/o Shri Shiv Kumar Sahu Aged About 43 Years R/o- C/o. Bihneswar Sahu, S/o Late Ram Krishna Sahu, R/o- Village Birkona, Tahsil And District- Bilaspur, Chhattisgarh.

---- **Respondent**

 For the Petitioner : Shri NK Chatterjee, Advocate
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

07.9.2018.

1. This is an application filed under Section 407(1)(a) of the Code of Criminal Procedure, 1973 (for short 'the Code') for transfer of MJC No.562/2018 pending before the Family Court, Bilaspur filed by the respondent under Section 125 of the Code for maintenance, to the Court of Family Court Janjgir Distt. Janjgir-Champa.

2. The respondent is the wife of the petitioner who filed the application before the Family Court, Bilaspur for the maintenance. As per the version of the petitioner, he is suffering from 80% disability and for the purpose of appearance before the Family Court Bilaspur he requires assistance of four persons to pickup him. He is the resident of village Hardi (Jarve) and is working as clerk in the Government Jajalyadeo College, Janjgir. Therefore, case may be transferred to the Court of Janjgir Champa.

3. Application filed under Section 125 of the Code is quasi civil in nature in which personal appearance of the petitioner is not required. If the petitioner wishes to examine himself as witness he can move an application for his examination through commission as per the provisions of Section 284 to Section 289 of the Code and his statement can be recorded by the commission at a place convenient to him. As per Section 126 of the Code, application under Section 125 of the Code may be filed by the wife where she resides and as per the application she is the resident of Village Birkona, Tahsil and Distt. Bilaspur, therefore, her application is maintainable before the Court of Bilaspur.

4. Looking to the factual matrix and legal aspects of the matter it is not a fit case where the transfer of the case is required for general convenience of the party.

5. Accordingly, the application is rejected at the motion stage itself.

SD/-
(Ram Prasanna Sharma)
JUDGE