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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TR.P.(C.) 10/2018 and CM APPL.2880-2882/2018

CHHIWINDER PAL SINGH SODHI

..... Petitioner

Through: Mr. Vishwendra Verma, Advocate

versus

NATASHA KAUR @ TASHU & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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23.01.2018

The petitioner seeks transfer of the matrimonial case (HMA No.61434/2016) from the file of the Principal Judge, Family Courts (Central District), Tis Hazari Court, Delhi to any other Family Court expressing grievances basically meant to state lack of faith in the presiding Judge.

The submission of the counsel for the petitioner began with reference to the order dated 05.08.2016 which was passed on the subject of *ad interim* maintenance, he pointing out that it was granted even though he was not represented, the advocates having abstained from work. He then referred to order dated 06.03.2017 whereby application under Sections 24 and 26 of Hindu Marriage Act was disposed of with directions for payment of maintenance allowance to the respondent, in addition to litigation expenses.

The said order was challenged by him in matrimonial appeal (MAT.APP.(FC) 120/2017) which was dismissed as withdrawn by order dated 24.07.2017 by a division bench of this Court, liberty having been

granted to the petitioner to move an application for modification.

It was conceded by the counsel that an application pursuant to the said liberty has already been moved, though copy thereof has not been filed with the petition at hand. He also fairly conceded that the consideration of the said application is yet pending.

The order dated 05.08.2016 was passed by a Judge who was previously presiding over the court and, therefore, it is inappropriate to refer to it in present context. Even otherwise, the said order and the subsequent order dated 06.03.2017 are judicial orders which can be, and have been, challenged in appeal or by application for modification. Adverse order does not necessarily mean bias of the Judge. The words attributed to the Judge, if true, only show familiarity with a lawyer but from that inference of undue influence cannot be drawn without corroboration from other facts.

In the facts and circumstances, it would be appropriate that the petitioner makes his submissions on the pending matter before the presiding Judge of the Family Court and seeks adjudication thereupon on merits rather than coming with allegations of bias. The law gives him remedies in the event of adverse orders being passed.

At this stage, no case is made out for transfer.

The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

JANUARY 23, 2018

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