

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.44 of 2020

1. Manmati D/o Ram Narayan (Wife Of Ramyar Yadav) Aged About 55 Years Caste Ahir, R/o Village - Pendarkhi, Police Station Jai Nagar, Tashil And District - Surajpur Chhattisgarh
2. Srinath Yadav S/o Ramyar Yadav Aged About 33 Years Caste - Ahir, R/o Village - Pendarkhi, Police Station Jainagar, Tahsil And District - Surajpur Chhattisgarh
3. Lalita Prasad Yadav S/o Ram Narayan Yadav Aged About 50 Years Caste - Ahir, R/o Village Satpata, Police Station - Vishrampur, Tahsil And District - Surajpur Chhattisgarh

---- Petitioners

Versus

- Sobhawati D/o Late Bhagwat Aged About 40 Years W/o Shiv Ram Yadav, Caste Ahir, R/o Village Jagdei, Police Station - Jainagar, Tahsil And District - Surajpur Chhattisgarh

---- Respondent

For Petitioners : Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-01-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 28.09.2019 passed by the District Judge, Surajpur, C.G., ordering transfer of Civil Case No.109A/2014 from the Court of Fourth Additional Judge to the Court of First Civil Judge, Class-II, Surajpur to the Family Court, Surajpur.
2. Learned counsel for the petitioner submits that the impugned order is illegal and erroneous and contrary to law and it is only the Civil Court which has jurisdiction to decide the case of this nature. Therefore, the

order passed is not sustainable.

3. On perusal of the impugned order, it is found mentioned that earlier the case was pending before the Court of Civil Judge Class-II. The suit was brought by the plaintiff pleading that she is daughter of one late Bhagwat and reliefs were sought on that basis. Section 7(1)(e) of Family Courts Act, 1984 provides the question of legitimacy which includes illegitimacy shall be determined by the Family Court, therefore, I do not find any error in the impugned order, hence, the petition is disposed off at motion stage.
4. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika