

Court No. - 1

Case :- TRANSFER APPLICATION (CIVIL) No. - 459 of 2021

Applicant :- Neha Bhardwaj

Opposite Party :- Pankaj Bhardwaj

Counsel for Applicant :- Amit Kumar Singh, Ashutosh Pandey

Hon'ble J.J. Munir, J.

This application has been filed, seeking transfer of Hindu Marriage Petition No. 574 of 2014, Pankaj Bhardwaj v. Neha Bhardwaj, from the Additional Principal Judge, Family Court, Firozabad.

Heard Mr. Ashutosh Pandey, learned Counsel for the applicant.

The ground of transfer urged in support of the application is a doubt in the mind of the applicant regarding the fairness and impartiality of the Presiding Officer in the Court of Additional Principal Judge, Family Court, Firozabad. This doubt the applicant has harboured on account of the course of proceedings before the Judge and orders that he has passed. It is from his orders, that are castigated as erroneous, that the applicant infers doubts about his fairness. It is pointed out that issues were framed on 11.12.2017, and after framing of issues, the respondent filed an application to admit certain documents, which could not be filed after framing of issues. Since this application 34Ga was not served upon the applicant, she moved an application to the Court, seeking a direction to serve her with a copy of the documents. The said application was rejected by the Presiding Officer *vide* order dated 25.01.2018. Subsequently, a petition under Article 227 of the Constitution was preferred to this Court, being Matters under Article 227 No. 1076 of 2018, where the respondent was directed to provide all documents to the applicant. Learned Counsel for the applicant

has drawn attention of this Court to the order dated 21.02.2018, which shows that it was provided that in case the respondent makes the requisite document available to the petitioner, the proceedings of the petition would continue unhampered and in case the documents are not supplied within a week of filing a fresh application, as permitted by this Court, the proceedings of the suit shall remain stayed till the next date of listing. It is submitted that this position came to pass on account of inaction of the Presiding Officer in failing to direct the respondent to provide a copy of the necessary documents. It is then pointed out that proceedings before the Trial Court went ahead and evidence of parties was recorded. The proceedings were interrupted on account of the CoViD-19 pandemic. It is also asserted that on 26.07.2021, learned Counsel appearing for parties were present and next date was fixed was 03.08.2021. On the date last mentioned, Members of the Bar abstained from judicial work, but The Family Court granted a last opportunity to the applicant to lead her evidence, scheduling the cause for 11.08.2021. On 11.08.2021, opportunity of leading evidence was closed and the case was set down for address of arguments. It is asserted in Paragraph 14 that the applicant was surprised at the harsh behaviour of the Presiding Officer towards her. It is also asserted on the strength of averments in Paragraph 15 of the affidavit that on an application moved to consolidate Hindu Marriage Petition No. 574 of 2014 and Case No. 75 of 2014 under Section 25 of the Hindu Marriage Act, the Court did not pass any orders and proceeded to close opportunity to lead evidence. A transfer application moved to the Principal Judge, Family Court was rejected *vide* order dated 01.09.2021.

I have heard learned Counsel for the applicant at length and perused the record. Whatever has been urged to infer that the Presiding Officer of the Family Court is biased, is in the realm

of conjecture and a manifestation of the general attitude of disrespect towards the Court, that appears to be fostered on ill-found notions. Merely because the Court proceeds with a case expeditiously or turns down a motion interlocutory, illegally, it does not mean that the Court is biased against a particular litigant. In this case, if the transfer application were allowed, this Court would be inferring a bias against the Presiding Officer or at least, approving of a reasonable apprehension in the mind of the applicant about bias, without there being a shred of evidence to show any kind of a bias inferable from circumstances of any consequence. Adverse orders are no basis to infer personal bias of a Judge. If this ground were to be permitted, the wheels of justice would come to a standstill. This Court does not find any good ground to permit the transfer that the applicant seeks.

In the result, this application **fails** and accordingly, stands ***rejected***.

Let this order be communicated to the Additional Principal Judge, Family Court, Ferozabad by the Registrar (Compliance).

(J.J. Munir, J.)

Note: Since my digital signature has expired and its renewal will take some time, the print out of the order has been taken and has been manually signed by us. This copy be uploaded with the stipulation as and when the digital signature is renewed or a fresh digital signature is obtained, the digital signature copy be uploaded after deleting the scanned copy.

Order Date :- 5.10.2021

I. Batabyal