

Misc. Case no. 93/24

08.04.2025

Today is the date fixed for hearing of the petition filed by the O.P on 12.03.2025 praying for transferring the instant case to the court of Ld. Judicial Magistrate, 1st court, Raghunathpur for proper adjudication.

Ld. Lawyers for both the petitioner and the O.P are present and files hazira.

Heard. Ld. Advocate for both the parties on this date over the aforesaid petition.

Ld. Advocate for the petitioner submits that he has objection if the instant case is transferred to the court of Ld. J.M 1st Court, Raghunathpur as a Misc. case filed by the petitioner against the O.P u/s. 12 (3) of the D.V Act still pending in the said court even after mediation and that the present case and the one pending before the above court are different in nature and as such there is no cogent reason that both the said cases should be tried by the same court.

It appears from the petition filed by the O.P on 12.03.2015 that he has specifically stated that since a proceeding under the D.V act being Misc. case 71/21 is pending before the Ld. J.M 1st Court, Raghunathpur, the present case is required to be transferred to the said court for the proper adjudication of both the cases as they have been instituted between the same parties.

Considering the fact that a proceeding u/s. 12 (3) of the PWDV Act, 2005 and a Misc. case filed u/s. 144 of BNSS by the petitioner are two separate and distinct proceeding cases and not as such related directly to each other, I do not find any cogent reason in transferring the present case to the court of Ld. J.M 1st Court, Raghunathpur., moreso, since the interim order has already been passed in the present case on consent between the parties and the case record has now been fixed for filing show cause by the O.P to the application for maintenance filed by the petitioner.

Accordingly, the present petition filed by the O.P for transferring the case record to the said court stands rejected at this stage.

Hence, it is

Ordered

that the petition filed by the O.P on 12.03.2025 praying for transferring the instant case record to the court of Ld. J.M 1st Court, Raghunathpur for adjudication is hereby considered and rejected.

It appears that O.P has filed a petition praying for time for filing written objection in the present case. The said prayer is allowed as last chance.

The O.P is further directed to comply the order of this court and pay Rs. 8,000/- to the petitioner and Rs. 4,000/- to her minor daughter as interim maintenance per month pending the final adjudication of the present Misc. case.

Fixing **16.04.2025** for filing of written objection by the O.P as last chance.

D/C
Sd./-

Sd./-
A.C.J.M, Raghunathpur