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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 18 of 2026

1 - Smt. Shirin Sultana W/o Moin Khan Aged About 32 Years R/o House No. 551, Gandhi Nagar, Beside Rice Mill, Janjgiri, Charoda, Bhilai, Thana Old Bhilai, Dist. Durg C.G.

2 - Mohd. Afan Khan Aged About 4 Years Minor Through His Mother Smt. Shirin Sultana, R/o House No. 551, Gandhi Nagar, Beside Rice Mill, Janjgiri, Charoda, Bhilai, Thana Old Bhilai, Dist. Durg C.G.

--- **Petitioner(s)**

versus

Moin Khan S/o Abdul Rahman Aged About 35 Years R/o House No. 26/30, Near Harish Kirana Store, Raja Talab, Devendra Nagar, Raipur, Thana Devendra Nagar, Tahsil And Dist. Raipur C.G.

--- **Respondent(s)**

with

TPC No. 195 of 2025

1 - Smt. Shirin Sultana W/o Moin Khan Aged About 32 Years R/o House No. 551, Gandhi Nagar, Beside Rice Mill, Janjgiri, Charoda, Bhilai, Thana Old Bhilai, Dist. Durg C.G.

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2 - Mohd. Afan Khan Aged About 4 Years Minor Through His Mother Smt. Shirin Sultana, R/o House No. 551, Gandhi Nagar, Beside Rice Mill, Janjgiri, Charoda, Bhilai, Thana Old Bhilai, Dist. Durg C.G.

---**Petitioner(s)**

Versus

Moin Khan S/o Abdul Rahman Aged About 35 Years R/o House No. 26/30, Near Harish Kirana Store, Raja Talab, Devendra Nagar, Raipur, Thana Devendra Nagar, Tehsil And Dist. Raipur C.G.

... Respondent

(Cause title is taken from Case Information System)

For Petitioners	: Mr. T.K. Tiwari, Advocate
For Respondent	: Mr. Ankush Soni, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

26/02/2026

1. Since both the petitions filed by the same petitioners and they involve similar facts and grounds they are being considered and decided by this common order.

2. By the present petitions, the petitioners, who are the wife and son of the respondent are challenging the order dated 14/11/2025 passed by the learned Principal Judge, Family Court, Durg, in Misc. Civil Suit No. 102/2025 (Annexure P/2 in TPC No. 18/2026) and Misc. Civil Suit No.103/2025 (Annexure P/2 in TPC No. 195/2025), whereby the application filed by the petitioners under Section 24 of the CPC, seeking transfer of Criminal Case No. 137/2023 and Criminal Case No. 1210/2024, pending before the Court of learned III Additional Principal Judge, Family Court, Durg,

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C.G. to any other competent Court having the same jurisdiction, have been rejected.

3. It is an admitted fact that the marriage between petitioner No.1 and the respondent was solemnized on 04/01/2018 in accordance with Muslim rites and customs. Out of the said wedlock, they have been blessed with a male child, who is presently about 4 years of age and has been impleaded in the present petitions as petitioner No.2.

4. Learned counsel for the petitioners submits that petitioner No.1 was subjected to continuous mental and physical cruelty soon after her marriage with the respondent, on account of unlawful demand of dowry, and was ultimately compelled to leave her matrimonial home along with petitioner No.2. He submits that owing to such harassment and subsequent incidents, including registration of criminal proceedings and filing of an application under Section 125 of the Cr.P.C. for maintenance, multiple litigations between the parties are pending. Learned counsel further submits that despite an interim order directing payment of maintenance, the respondent has failed to comply with the same. He also contends that on 19/08/2025, when the matter was listed and the petitioners sought enforcement of the interim maintenance order, they were asked to wait outside the Court room and the case was taken up later at about 4:30 PM. During the proceedings, the learned Presiding Officer allegedly suggested the respondent to file an application relating to custody of petitioner No.2 and indicated that the same would be

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considered, which has given rise to a reasonable apprehension in the minds of the petitioners regarding fairness of the proceedings. It is, therefore, prayed that to ensure impartial adjudication, the pending cases deserve to be transferred to any other competent Court having jurisdiction.

5. Learned counsel for the respondent has no objection to the above prayer made by the counsel for the petitioner, in respect of transfer of case to other Court.

6. I have heard learned counsel for the parties, perused the pleadings and the documents appended thereto.

7. Having regard to the submissions of learned counsel for both the parties, considering certain allegations levelled against the concerned Presiding Officer and particularly keeping in mind that the disputed involved in the present matters is a family dispute between husband and wife, this Court is inclined to allow the prayer made by the petitioner.

8. Accordingly, both the Transfer Petitions are hereby **allowed.** The learned Principal District Judge, Durg is directed to take cognizance in the matter; withdraw both the Criminal Case No. 137/2023 and Criminal Case No. 1210/2024, which are pending before the learned III Additional Principal Judge, Family Court, Durg, C.G. and assign the same to any other competent Court having jurisdiction at Durg, in accordance with law for their trial and disposal on its own merits.

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9. Both the parties are directed to remain present before the learned Principal District Judge, Durg, C.G. on **17.03.2026,** who will assign the cases to the competent Court situated at Durg and will inform both the parties about the date of their presence before the said Court.

Sd/-
(BIBHU DATTA GURU)
JUDGE

$. Bhilwar