

Tr. P. (Crl.) No. 1/2017

Tshering Damdi Bhutia vs. Bandana Moktan

**BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

3. 28.04.2017 Present: Ms. Bandana Pradhan, Advocate for the Petitioner.
Mr. Tshering Damdi Bhutia, Petitioner in person.

Mrs. Bandana Moktan, Respondent in person.

1. Heard.
2. This is to consider the instant Transfer Petition, vide which the Petitioner seeks transfer of the Case pending before the Court of Learned Family Judge, South Sikkim at Namchi, being F.C. (Crl) Case No. 24 of 2016, to the Court of Learned Family Judge, East Sikkim at Gangtok, *inter alia*, on grounds that the Petitioner is suffering from liver Cirrhosis and is unable to travel to Namchi, South Sikkim.
3. The Respondent is present in person and objects to the Petition, as she is employed in the State Institute of Capacity Building, Karfectar, Jorethang, South Sikkim and will not be in a position to avail leave to appear before the Court in Gangtok, East Sikkim.
4. I have carefully heard the submissions made by learned Counsel for the Petitioner and the Respondent in person, who

submits that she has been provided with a Legal Aid Counsel before the Court of Family Judge, South Sikkim at Namchi, but who had advised to her to be present in person before this Court.

5. In view of the Medical Documents furnished with the Petition being I.A. No.2 of 2017, I find that the Petitioner has been advised not to travel long distance, as he is a patient of liver Cirrhosis but he is not bed ridden. At the same time, it is not denied that he is represented by a counsel.

6. Considering the grounds put forth, there is no substantial reason to transfer the matter from the Court of Learned Family Judge, South Sikkim at Namchi, to the Court of Learned Family Judge, East Sikkim at Gangtok.

7. The Petition is accordingly rejected and disposed of, as also the Interlocutory Applications.

Judge
28.04.2017

Index : Yes / No
Internet : Yes / No

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