



**Single Bench**

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Transfer Petition (C) NO. 7 OF 2012**

**PETITIONER**

Smt. Jyoti Tiwari, W/o  
Deepkant R/o Jamgaon (R)  
Distt. Durg,  
Present Address Through  
Rajkumar Shukla,  
Nayapara Ravishankar  
Chowk, P.S.- Golbazar  
Raipur, Distt. Raipur (C.G.)

R.No. 9800 7/12  
Presented by Shri Sumi Sanyal  
dated 20.6.12

**VERSUS**

**RESPONDENT**

Deepkant Tiwari, S/o Shri  
Dhun Narayan, aged about  
32 years, Bramhan R/o  
Jamgaon (R) P.S.-  
Ranicharai, Tahsil-Patan,  
Distt. Durg (C.G.)



**TRANSFER PETITION CIVIL UNDER SECTION 24 OF**  
**C.P.C. FOR TRANSFER THE CIVIL SUIT NO. 96a/2012**  
**FROM THE COURT OF FAMILY COURT DURG TO**  
**FAMILY COURT RAIPUR OR ANY OTHER COURT IN**  
**CHHATTISGARH**



SJS  
23.10.13

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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**Single Bench:** Hon'ble Shri Justice P. Sam Koshy

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**Transfer Petition (C) No. 7 of 2012**

**Petitioner** Smt. Jyoti Tiwari

**VERSUS**

**Respondent** Deepkant Tiwari

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**Present:** Shri Sunil Sahu, counsel for the petitioner.

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**Oral Order**  
**(17.10.2013)**

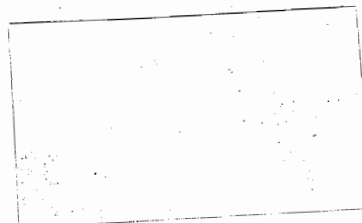
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This is a transfer petition filed under section 24 of C.P.C. for transferring the civil suit no. 96 A /2012 from the Family Court, Durg to Family Court Raipur.

2. In this case the petitioner had married the respondent on 09.06.2011. The petitioner and respondent had strained relationship and were residing separately at Raipur and Durg respectively. It is also the case of the petitioner that respondent has already taken steps for restitution of conjugal right and the said application has been filed before the Family Court at Durg. However, pending case before the Family Court Durg, the petitioner received threatening from the respondent on telephone of dire consequence to which effect the petitioner has already lodged a report on 10.05.2012 at Police Station Gol Bazar Raipur (Annexure A/2).

3. It is for this reason the petitioner has moved an application for transfer of the said Civil Suit No. 96-A/2012 pending before the Family Court Durg to be transferred to Family Court Raipur or any other court.

In this case, notices were issued to the respondent as earlier on 09.10.2012 and again on 26.11.2012.





4. However, from the office report it appears that the respondent have duly served, however, even when the matter is called in the second round, there is no representation on behalf of the respondent. For the reasons stated in the application for transfer and the contention made therein and also taking into consideration that the petitioner is a lady and the threat which the petitioner has received, it is a fit case where the case should be transferred to Raipur.

The transfer petition is therefore allowed and the case No. 96-A/2012 pending before the Family Court, namely Deepkant Tiwari Vs. Smt. Jyoti Tiwari be transferred to Family Court Raipur. The Family Court Durg is directed to immediately transfer case to Family Court Raipur at the earliest. The Transfer petition is allowed in the above terms. No order as to costs.

Sd/-  
**P. Sam Koshy**  
Judge