

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 8 of 2015

- Smt. Preeti Tiwari W/o Shri Naveen Kumar Tiwari Aged About 32 years R/O H.No. 10/565, Gopal Nivas In Front Of Mukund Radio, Satti Market, Raipur, Tah. & Distt. Raipur C.G.

---- Petitioner

Versus

- Naveen Kumar Tiwari S/o Shri Fadindra Kumar Tiwari Aged About 36 Years R/O Q. No. 6/D Street No. 14, Sector 05 Bhilai, Distt. Durg C.G.

---- Respondent

For Petitioner.	:	Shri Atul Kumar Kesharwani, Advocate.
For Respondent	:	Shri Tarun Dansenta, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

02/07/2015

1. By this order Transfer Petition (Civil) filed by the petitioner seeking transfer of Civil Suit No.41-A/2012 (Naveen Kumar Tiwari v. Smt. Preeti Tiwari) filed under Section 13 of Hindu Marriage Act, 1955 (for short, the Act, 1955) for decree of divorce by dissolution of marriage pending before the Court of Ist Additional Principal Judge, Family Court, Durg (C.G.) to the Court of Principal Judge, Family Court, Raipur (C.G.) is being disposed of.
2. As per facts mentioned in the transfer petition, the petitioner and respondent are legally wedded husband and wife, their marriage was solemnized on 14.07.2010 at Raipur (CG) according to Hindu rituals, thereafter, some dispute arose between them. The petitioner is presently residing in her parents house at Raipur. The respondent preferred the above mentioned Civil Suit for decree of

divorce which is pending consideration before the 1st Additional Principal Judge, Family Court, Durg (CG). It is submitted that looking to the facts and circumstances of the case the matter may be transferred from Durg to Raipur for its disposal in the interests of justice.

3. The respondent has not submitted his written objection/response to the petition.
4. Learned counsel appearing for the petitioner duly supported the petition and submitted that looking to facts and circumstances of the case and law and on the basis of the grounds taken in the petition, present petition be allowed and the above mentioned case may be transferred from Durg to Raipur.
5. On the other hand, learned counsel appearing for the respondent opposed the petition.
6. In order to appreciate the arguments of learned counsel for the parties, I have perused the material available on record.
7. After due perusal of the record and pleadings, it emerges that petitioner and respondent are legally wedded husband and wife, their marriage was solemnized on 14.07.2010 at Raipur. The petitioner is presently living with her parents at Raipur. The respondent-Husband filed the above mentioned Civil Suit under Section 13 of the Act, 1955, which is pending consideration before the court at Durg. The petitioner is a woman, living along with her parents, she is facing difficulty while attending the court proceedings at Durg. Durg is just 40 KM away from Raipur and the respondent-Husband who is residing at Bhilai, is hardly 30 KM away from Raipur and as such no any material inconvenience is going to be caused to the respondent if the case is transferred from Durg to Raipur.
8. Consequently, on the basis of facts mentioned in the petition, this transfer petition is liable to be and is hereby allowed. It is ordered that Civil Suit No.41-

A/2012 (Naveen Kumar Tiwari v. Smt. Preeti Tiwari) pending before the Court of Ist Additional Principal Judge, Family Court Durg (C.G.) be withdrawn and transferred it to the Principal Judge, Family Court, Raipur (C.G.) for its trial/disposal in accordance with law. The Ist Additional Principal Judge, Family Court, Durg, is directed to transmit the concerned case to the Principal Judge, Family Court, Raipur (C.G.) for further proceedings. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge

inder