

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (Cr.) No. 09 of 2015

Amit Kumar Patle, S/o Indrebhushan Patle, aged 31 years, R/o Raman Nagar, Janjgir, P.S. Tahsil and Distt. Janjgir-Champa (CG) presently R/o Behind Mini Stadium, Chakradharnagar, Raigarh, Tahsil & Ditt. Raigarh

---- Petitioner

Versus

Preeti Patle, W/o Amit Kumar Patle, aged 24 years, R/o Jairamnagar Chowk, Masturi, P.S. Masturi, Tahsil and Distt. Bilaspur

---- Respondent

For Petitioner:
For Respondent:

Shri Tarkeswar Nande, Advocate.
Shri Hemant Kesarwani, Advocate

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

07.08.2015

The petitioner through the present application has sought for transferring a case under Section 125 Cr.P.C by the respondent before the Family Court, Bilaspur to the Family Court, Janjgir.

2. Counsel for the petitioner submits that the transfer petition has been filed on two grounds, firstly because another case i.e. under Section 11 of the Hindu Marriage Act is pending consideration before Janjgir Court. According to the petitioner, the case at Raigarh is still going on. Secondly, the case under Section 11 of the Hindu Marriage Act was filed initially at Raigarh. Subsequently, on a Transfer Petition filed by the respondent, the case was transferred to Janjgir but when the respondent had filed the Transfer Petition i.e. Transfer Petition Case No.3/15 before the High Court, the respondent had suppressed the filing of the case under Section 125 Cr.P.C at the Bilaspur Court.

3. Considering the aforesaid two grounds, this Court is of the opinion that both these grounds are not sufficient for considering a case to be transferred from one Court to another. Moreover, the petitioner is a male member and that he has not shown any difficulty or inconvenience that he would face in case the case is not transferred from Bilaspur to Janjgir.

4. On due consideration of the facts and circumstances of the case and further taking into consideration the judgments of the Hon'ble Supreme Court in the matters of **Samita Bhattacharjee Vs. Kulashekar Bhattacharhee** reported in **(2008) 17 SCC 482** and **Sapna Agarwal Vs. Om Prakash Jalan** reported in **(2008) 17 SCC 602**, it would be proper and justified if Case No.648/14 pending before the Family Court, Bilaspur filed by respondent is transferred to the Family Court, Janjgir.

5. Accordingly, the petition is allowed and it is directed that Case No.648/14 pending before the Family Court, Bilaspur filed by respondent is transferred to the Family Court, Janjgir.

6. The Family Court, Bilaspur is directed to send the record of C Case No.648/14 to the Family Court, Janjgir forthwith. No order as to costs.

Sd/-
(P.Sam Koshy)
J U D G E

Priya