

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 27 of 2015

Kaveri Dhar W/o Lawrance Dhar D/o. Ranjit Kumar Ray, aged about 30 Years
R/o Subhash Nagar, Ambikapur, Police Station- Ambikapur District Surguja
Civil & Revenue District Surguja Chhattisgarh

---- **Petitioner**

Versus

Lawrance Dhar S/o Ajay Dhar aged about 35 Years R/o House No. F-812,
Rama Green City, Khamtarai, Bilaspur Chhattisgarh

---- **Respondent**

For Petitioner	: Mr. A.K. Prasad, Advocate.
For Respondent	: None though served.

Order On Board

09/09/2015

1. By this order, Transfer Petition (Civil) filed by the petitioner seeking transfer of Civil Suit No. 500-A/2014 (Lawrance Dhar -v- Kaveri Dhar) pending in the court of Family Court, Bilaspur to the court of Judge, Family Court, Surguja at Ambikapur is being disposed of.
2. As per facts of the petition in brief, both the applicant and non-applicant were married on 24-2-2011 at Kali Mandir, Tifra, Bilaspur, Distt. Bilaspur. Out of their wedlock a son born which is aged about 3 years. After marriage the applicant was subjected to cruelty and other circumstances. Presently she along with her child have taken shelter of her father at Ambikapur. She is not having any source of income. There is no one in the family to assist her to attend the proceeding before the family court at Bilaspur. Father is an old person of 65 years and is not in a position to help her to travel along with her to attend the hearing at Bilaspur. Distance from Bilaspur to Ambikapur is 250 km. She is not in a position to travel along with her small son. It is prayed that the Civil Suit No. 500-A/2014 under Section 13 of the Hindu Marriage Act be transferred from Bilaspur to Ambikapur.
3. Respondent is not represented despite service. No return to the petition is filed. There is nothing to rebut the submissions made.
4. Heard learned counsel for the applicant.

5. Learned counsel for the applicant elaborately supported the pleading made in the petition and submitted that looking to the facts and circumstances of the case, the petition may be allowed and the concerned civil suit may be transferred accordingly.
6. Perused the petition.
7. Upon consideration of the petition and documents annexed it appears that both applicant and non-applicant were married on 24-2-2011 and out of their wedlock, a child born which is being looked after by the applicant. She is presently residing along with her father. She is not having any source of income to maintain herself and her child aged about 3 years. She is a woman. She has to take care of her child. There is none to assist her in travelling to Bilaspur for attending the family court. There is nothing in rebuttal of above facts for the present.
8. On due consideration of entire facts, in the opinion of this Court, instant transfer petition is liable to be allowed and it is hereby allowed.
9. Accordingly, it is ordered that the Civil Suit No. 500-A/2014 (Lawrance Dhar -v- Kaveri Dhar) under Section 13 of the Hindu Marriage Act for dissolution of marriage by a decree of divorce pending before the Family court, Bilaspur be withdrawn and transferred to the court of Judge, Family Court, Sarguja at Ambikapur for its trial/disposal in accordance with law. The Judge, Family Court, Bilaspur is directed to transfer the record of the above suit to the Court of Judge, Family Court, Sarguja at Ambikapur for further proceedings.
10. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge