

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 37 of 2015**

- Shivani Satyavanshi (Mishra) D/o Shri Satyendra Mishra, Aged About 20 Years R/o House No. 64, Panditpara, Ramhepur, Police Station City Kotwali, Tahsil & District Kabirdham, Chhattisgarh

(Non-Applicant before the court below) ---- **Petitioner****Versus**

- Abhishek Satyavanshi S/o Shri Shiv Kumar Satyavanshi, Aged About 24 Years C/o Shri B. L. Kurrey, Near Anant Karuna School, Omnagar, Jarhabhatha, Police Station Civil Lines, Tahsil & District Bilaspur, Chhattisgarh

(Applicant before the court below)---- **Respondent**

For Petitioner	: Mr. Abhishek Pandey, Adv.
For Respondent	: None though served as per office note.

Order On Board**02/11/2015**

1. By this order, Transfer Petition (Civil) filed by the petitioner under Section 24 of the Civil Procedure Code for transfer of Civil Suit No. 211-A/2015 (Abhishek Satyavanshi -v- Shivani Satyavanshi (Mishra) pending in the Court of Judge, Family Court, Bilaspur (CG) to the Family Court, Kabirdham (CG) is being disposed of.
2. As per facts of the case in brief, the petitioner and the respondent not under voluntary state of mind married alleged to be performed before Arya Samaj Temple, Raipur on 21-3-2014. Three criminal cases are pending against respondent. Petitioner is a permanent resident of Kabirdham. Looking to the threat and other facts relevant, it would not be safe for petitioner and her family members to come to Bilaspur to attend proceedings under Section 9 of the Hindu Marriage Act for restoration of conjugal rights. Hence it is prayed that aforementioned civil suit may be transferred from Bilaspur to Kabirdham in the interest of justice.
3. None represented the respondent through he is served as per office note.
4. Heard learned counsel for the petitioner.
5. Learned counsel for the petitioner supported the contention and the

grounds taken in the transfer petition and submitted that looking to the entire facts and circumstances shown in the present petition, the petition may be allowed and the concerned civil suit may be transferred accordingly.

6. As there was no representation on behalf of the respondent, no document is filed or shown in rebuttal.
7. For appreciation of the arguments advanced by the petitioner and the facts mentioned in the petition, I perused the material filed along with petition.
8. As there is nothing to rebut the allegations and the fact mentioned in the transfer petition, looking to the allegation levelled against the respondent regarding threat and other facts, also the petitioner is resident of Kabirdham, she has to face many inconvenience while attending the proceeding before Bilaspur court and also in the shadow of other allegations regarding criminal activities of the respondent, in the opinion of this Court, it would be proper to allow the petition and transfer the aforementioned civil suit as prayed.
9. Consequently, instant transfer petition deserves to be and is hereby allowed.
10. Accordingly, it is ordered that the Civil Suit No. 211-A/2015 (Abhishek Satyavanshi -v- Shivani Satyavanshi (Mishra)) pending before Judge Family Court, Bilaspur (CG) be withdrawn and transferred to the court of Judge, Family Court, Kabirdham for its trial/disposal in accordance with law. The Judge, Family Court, Bilaspur is directed to transmit the record of the above suit to the Court of Judge, Family Court, Kabirdham for further proceedings.
11. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge