

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 33 of 2015

- Sanjay Shrivastava S/o Shri Suresh Shrivastava, Aged About 31 Years Occupation Shiksha Karmi Grade II , R/o Suresh Shrivastava, Beside Of Dr. D.D. Mishra, Ward No. 06, Sakti, District - Janjgir Champa Chhattisgarh. (Non-Applicant).

---- Petitioner

Versus

- Smt. Ekta Shrivastava W/o Sanjay Shrivastava Aged About 25 Years R/o Qr. No. 141, Jawaharnagar, Durg, Tahsil And District Durg Chhattisgarh. (Applicants).
- Anmol Shrivastava S/o Sanjay Shrivastava 3 Months (Respondent No. 2 Being Minor On Behalf Of Through His Legal Guardian Mother Smt. Ekta Shrivastava, Respondent No. 1), R/o Qr. No. 141, Jawaharnagar, Durg, Tahsil And District Durg Chhattisgarh. (Applicants).

---- Respondents

For Petitioner	: Shri Shivendu Pandya, Advocate
For Respondents	: Shri Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

10/12/2015

Heard on admission.

Marriage of the applicant and non-applicant No.1 was solemnized on 21.06.2014 and out of the wedlock, non-applicant No.2 was born. As the non-applicant No.1 was ill treated and ousted by the applicant, on 21.07.2015, she filed application in the Family Court, Durg under Section 125 of the Code of Criminal procedure seeking maintenance for herself and minor son. It is this case which the applicant wants to be transferred from Durg to Sakti.

Counsel for the applicant submits that the applicant has already filed one case at Sakti under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and therefore the present case may also be transferred from Durg to Sakti.

The non-applicant No.1 is a lady whereas respondent No.2 is a minor

son of applicant and non-applicant No.1 aged about 3 months, considering this aspect of the case, I am not inclined to entertain the present petition and to transfer the case from Durg to Sakti. No case is made out for transferring the same and accordingly the petition is dismissed.

Sd/-
Pritinker Diwaker
Judge

suguna