

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No.61 of 2015**

Smt. Sarojini Das, W/o. Jeevan Das Vaishnav, Aged about 26 years,
R/o. Indira Chowk, Pattharipara, Police Station Rampur, Civil and
Revenue District Korba (CG)

---- Petitioner

Versus

Jeevan Das Vaishnav, S/o. Shri Basant Vaishnav, aged about 28
years, R/o. Behind Mahamaya Temple, Ranigaon, Lormi, Police
Station Mungeli, Civil and Revenue District Mungeli (CG)

---- Respondent

Shri Ashutosh Shukla, counsel for the petitioner.
Respondent not noticed.

Order On Board

20.11.2015.

Heard.

2. Earlier on behalf of the petitioner, TP(C) No.15/2015 was filed for transfer of Civil Suit No.7A/2011 pending before Additional District Judge, Mungeli under Section 13 of the Hindu Marriage Act, 1956 for dissolution of marriage by a decree of divorce and the same was dismissed as withdrawn on 24.6.2015. Thereafter this repeated transfer petition (Civil) has been filed with same prayer.

3. Learned counsel for the petitioner submits that earlier a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage by a decree of divorce was filed by the petitioner against the respondent and the same was pending before Judge Family Court Korba as Civil Suit No.138A/14 and it was observed by this Court that first to withdraw the said civil suit pending at Korba as both the suits under Section 13 of the Hindu Marriage Act would not be tried together, hence, after the withdrawal of the said civil suit pending before Korba,

the petitioner again filed instant TPC for transfer of the Civil Suit No.7A/11 presently pending before Additional District Judge, Mungeli.

4. Order dated 24.6.2015 passed by this Court is perused. It appears that the petitioner prayed before the Court for withdrawal of the petition and the petition was dismissed without any appreciation on its merits. There is no any observation made by the Court to first withdraw the civil suit pending before the Family court Korba under Section 13 of the Hindu Marriage Act. Instant transfer petition is not maintainable as the petitioner has already withdrawn the petition for the same prayer.

5. Consequently, the instant TPC is not maintainable and the same is dismissed at the motion stage itself. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE