

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 34 of 2015

1. Smt. Kamleshwari Sahu W/o Sahasram Sahu, aged about 20 years, R/o Village Raipura, Tahsil Jaijaipur, P.S. Baradwar, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Sahasram Sahu S/o Sakharam Sahu, aged about 24 years, R/o Q.No. A/354, Dhelwadih Colony, P.S. Katghora, Distt. Korba, Chhattisgarh

---- Respondent

For Petitioner – Shri Atul Kumar Kesharwani, Advocate.
For Respondent – None, though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

23/11/2015

1. By this order Transfer Petition (C) filed by the petitioner seeking transfer of Civil Suit No. 67A/2014 (Sahasram Sahu Vs. Smt. Kamleshwari Sahu) under Section 13 of the Hindu Marriage Act for dissolution of marriage by a decree of divorce pending before the Family Court (Camp Court), Katghora, District Korba, C.G. to the Family Court (Camp Court), Sakti, District Janjgir-Champa, C.G. is being disposed of.
2. As per facts of the transfer petition, the petitioner and the respondent are wife and husband. Their marriage was solemnized on 10-04-2011 as per Hindu rituals at Village Darrabhatha, Tahsil Malkharoda, District Janjgir-Champa, C.G. Dispute arose between the parties and the respondent filed aforementioned civil suit for dissolution of marriage through a decree of divorce which is presently pending before the Family Court (Camp Court), Katghora, District Korba, C.G. By filing the instant petition, the petitioner has prayed that the aforementioned matter be transferred from Katghora to Sakti. The grounds

taken for transfer of the aforesaid civil suit is that the petitioner is an unemployed house lady dependant on her parents, residing along with her parents. About three weeks ago she gave birth to a male child and proper care is required for the infant child. She is unable to appear before the Court at Katghora as she has to look after the infant child recently born; also she is facing financial constraint; distance from Katghora to Raipura is more than 100 kms.; also she filed a maintenance litigation which is pending before Sakti Court against the respondent. By filing the instant petition, she prayed that the matter aforementioned be transferred from Katghora to Sakti.

3. The respondent is represented, but at the time of hearing none represented the respondent. On 12-10-2015 and also on 16-11-2015 on behalf of the respondent, adjournment was sought to file written response/objection of the instant petition. As per note of Registry, till 19-11-2015 no any written response/objection has been filed on behalf of the respondent. Even in the case no any written response/objection filed by the respondent is in record. Also no one is present to represent the respondent when the case is taken up for hearing.

4. Heard learned counsel for the petitioner present.

5. Learned counsel for the petitioner elaborately supported the grounds taken in the petition and submitted that with the facts and circumstances mentioned in the transfer petition, the petition may be allowed and the concerned civil suit may be transferred accordingly.

6. As there is no any written response/reply to the petition, also no any oral objection in the matter, perused the documents and the petition for appreciation of the facts mentioned regarding transfer of the matter.

7. From the facts mentioned in the petition, documents and by oral submission, in absence of any material to rebut, prima facie, it is mentioned

that the petitioner and the respondent are legally wedded wife and husband. Their marriage was solemnized on 10-04-2011. Just three weeks ago, the petition gave birth to a male child. The petitioner is an unemployed woman having no source of income, dependant and is taking shelter in the house of her parents. The petitioner had also filed an application for maintenance under Section 125 of the Cr.P.C. which is pending before Sakti Court and the distance from Katghora to Raipura is about 100 kms. On the other hand, the respondent is an employee of SECL, Dhelwadih, presently residing at the jurisdiction of Katghora, District Korba. As he is employed and a male aged about 24 years, no any financial constraint and other inconvenience could be caused to the respondent if he comes to Sakti for taking part in hearing of the matter.

8. Upon entire consideration of the facts demonstrated before the Court, this Court is inclined to allow the petition. Hence, the transfer petition (civil) filed by the petitioner is hereby allowed and it is ordered that Civil Suit No.67A/2014 (Sahasram Sahu Vs. Smt. Kamleshwari Sahu) for dissolution of marriage by a decree of divorce pending before Judge, Family Court (Camp Court), Katghora, District Korba, C.G. be withdrawn and transferred to the Judge, Family Court (Camp Court), Sakti, District Janjgir-Champa, C.G. for its trial/disposal in accordance with law. The Judge, Family Court (Camp Court), Katghora, District Korba is hereby directed to transmit immediately the concerned record towards the Judge, Family Court (Camp Court), Sakti, District Janjgir-Champa, for further proceedings.

9. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

