

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No.28 of 2015**

Smt. Meenakshi Sharma, aged about 30 years, W/o. Shri Shivanjal Sharma, presently residing in care of Shri KK Sharma, Patrakew Colloney, kasturba Nagar, Bilaspur, Tah. & District Bilaspur (CG)

---- Petitioner

Versus

Shri Shivanjal Sharma, aged about 32 years, S/o. Dr. Shiv Govind Sharma, resident of Danganiya, behind the School, Tehsil and District Raipur (CG)

---- Respondent

Shri MD Sharma, counsel for the petitioner.
None for the respondent, though served and represented.

Order On Board

17/9/2015

By this order, Transfer Petition (Civil) filed by the petitioner seeking transfer of Civil Suit No.208/15 (wrongly mentioned as 2008/15 in the memo of appeal) (Shivanjal Sharma vs. Meenakshi Sharma) under Section 13 of the Hindu Marriage Act, for dissolution of Marriage by a decree of divorce, pending before Principal Judge Family Court Raipur to the Court of Judge Family Court, Bilaspur is being disposed of.

2. Brief facts required for the appreciation of the instant transfer petitioner is that the petitioner and the respondent are legally wedded wife and husband and their marriage was solemnized on 22.01.2014 at Bilaspur in accordance with Hindu rites and rituals. The respondent/husband filed a Civil Suit No.208/15 under Section 13 of the Hindu Marriage Act, for dissolution of marriage by a decree of divorce, before the Principal Judge Family Court, Raipur which is pending for consideration. The grounds taken in the petition for the transfer of case are that the petitioner is a woman of 30 years, she has no independent

source of income, taking shelter and residing along with her parents. It is inconvenient for her to go to Raipur and to attend the aforementioned matter. She is not having any assistance or escort to help her for attending the proceedings at Raipur. On account of financial constrain, loss of time, physical harassment it is inconvenient for her to attend the Court at Raipur, hence prayed that the aforementioned matter may be transferred from Raipur to Bilaspur for disposal in accordance with law.

3. There is no appearance on behalf of the respondent despite service and also there is no any rebuttal on record against the petition.

4. Heard learned counsel for the petitioner present.

5. Learned counsel for the petitioner elaborately supported the contention made in the petition and submitted that as the facts as aforementioned in the present petition, the petition may be allowed and the concerned matter may be transferred accordingly.

6. For appreciating the arguments advanced on behalf of counsel for petitioner, I have perused the documents and the petition filed before this court.

7. Since there is no any material on rebuttal, prima facie for the moment it is emerges from the close scrutiny that the petitioner and the respondents are legally wedded wife and husband and their marriage was solemnized on 22.01.2014 at Bilaspur as per Hindu rituals. The respondent has preferred a petition for dissolution of marriage by a decree of divorce under Section 13 of the Hindu Marriage Act which is presently pending before Principal Judge Family Court Raipur. The petitioner on account of inconvenience and other facts prayed for transfer the same from Raipur to Bilaspur.

8. On due consideration, as the petitioner is a woman of no independent source of income, she is facing inconvenience on account

of financial constrain and in absence of any support to attend the Court at Raipur , it would be appropriate to allow the petition.

9. On entire consideration of the facts, the petition is liable to be allowed. It is ordered that Civil Suit No.208/15 (Shivanjan Sharma vs. Meenakshi Sharma) pending before Principal Judge, Family Court Raipur under Section 13 of the Hindu Marriage Act for dissolution of marriage by a decree of divorce, be withdrawn and transferred to Judge, Family Court, Bilaspur for its trial and disposal in accordance with law. Principal Judge Family Court, Raipur is directed to transmit the the records to the Family Court, Bilaspur immediately . No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE