

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 47 of 2015

1. Smt. Pooja Jindal W/o Shri Vishal Jindal, aged about 30 years, Occupation- House wife, R/o Moda Niwas 9/14, Kotra Road, Raigarh, Chhattisgarh(Defendant)

---- Petitioner

Versus

1. Vishal Jindal S/o Shri Vijay Kumar Jindal, aged about 33 years, Occupation- Business, R/o 45, Jindal Niwas, Deshmukh Marg, Dhantoli, Nagpur (Maharashtra)(Plaintiff)

---- Respondent

For Petitioner – Shri Sourabh Sharma and Shri T. Nande, Advocates.
For Respondent – Shri P.R.Patankar, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

15/10/2015

1. With the consent of the parties, the matter heard finally.
2. By this transfer petition (civil) filed by the petitioner seeking transfer of Civil Suit No.F-16A/2014 (Vishal Jindal v. Pooja Jindal) under Section 13 of the Hindu Marriage Act, 1955 (in brevity 'the Act, 1955') for dissolution of marriage by a decree of divorce pending in the Court of Judge, Family Court Raigarh, C.G. to a Court of near place is being disposed of.
3. Brief facts for the instant transfer petition (civil) are that the petitioner and the respondent are wife and husband. Their marriage solemnized on 02-12-2007 as per Hindu rituals at Nagpur. Subsequently, the respondent filed a civil suit before the Judge, Family Court Nagpur under Section 13 of the Act,

1955 for dissolution of marriage by a decree of divorce. Hon'ble the Apex Court vide order dated 02-01-2014 passed in T.P.(C) No. 616/12, a petition filed by the present petitioner, allowed the transfer petition and transferred the aforesaid suit, matrimonial case, Petition No.A-221 of 2012 pending before Family Court No.3, Nagpur, Maharashtra to the Principal Judge, Family Court Raigarh, C.G. The petitioner on the grounds mentioned in the instant transfer petition (civil) prayed that aforementioned civil suit pending before the Family Court Raigarh be transferred to a nearby place in the interest of justice.

4. Heard learned counsel for both the parties and perused the material.

5. Learned counsel for the petitioner elaborately supported the petition and submitted that as per grounds mentioned in the petition, the aforementioned civil suit be transferred to any nearby place in the interest of justice.

6. On the other hand, learned counsel for the respondent prayed that as Hon'ble the Apex Court transferred the matter from Nagpur to Raigarh at the request and the petition filed by the present petitioner herself, the petition may not be allowed and the same may be dismissed as the matter in question is being tried before the Judge, Family Court Raigarh as per order of Hon'ble the Apex Court.

7. To appreciate the arguments advanced on behalf of the parties, I have perused the material annexed along with the petition and other annexed documents.

8. From perusal of the entire material, it goes to show that Civil Suit No.F-16A/2014 (Vishal Jindal v. Pooja Jindal) under Section 13 of the Act, 1955 is pending before the Judge, Family Court Raigarh as Hon'ble the Apex Court transferred the above civil suit in Transfer Petition (Civil) No.239 of 2012 on 02-01-2014 on a petition filed by the present petitioner herself. The matter is being tried before the Judge, Family Court Raigarh as per orders of Hon'ble

the Apex Court. With the above facts, without considering any other ground, in the considered view of this Court, the instant transfer petition (civil) is liable to be dismissed and is hereby dismissed.

- 9. No order as to cost.
- 10. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE