

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No. 39 of 2016**

Srimati Arpreet Kaur aged about 24 years W/o Gurpreet Singh Chhabra R/o Indradatta Parisar, 2nd Floor, Near Mannu Chouk, Tikrapara Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

Gur Preet Singh Chhabra, aged about 29 years, S/o Surendra Singh Chhabra, R/o H. No. E/36, Devendra Nagar, Sector 02, Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Chitranjay Singh Patel, Advocate.
For Respondent	:	Shri Malay Kumar Bhaduri, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****05/08/2016**

1. By means of this petition, the Petitioner-wife has sought transfer of the proceedings of divorce filed by the Respondent-husband before the Family Court, Raipur to the Family Court, Bilaspur.
2. The main grounds raised in this petition is that the wife is unemployed and that she was pregnant and could not attend the Court at Raipur.
3. Learned counsel for the Respondent submits that neither any good case nor any sufficient case is made out for transfer of the aforesaid case. According to him, the wife has now delivered a child and therefore, the ground of pregnancy is no longer available to her. As far as convenience is concerned, learned counsel submits that the husband has been permitted to engage a lawyer by the Family Court and the wife can also engage a lawyer and therefore she is not required to remain present on each and every date.
4. In my view, the wife has made out a case for transfer of the petition. Even if she has delivered a child, then the ground becomes more

stronger. This Court cannot expect the wife to come to the Court at Raipur with a minor child travelling more than 120 Kms on each and every date of hearing. The husband is young and able bodied person and he can travel from Raipur to Bilaspur. Balance of convenience lies more in favour of the wife.

5. In view of above discussion, the transfer petition is allowed and the Case No. 682 of 2015 pending before the Family Court, Raipur, is transferred to Family Court, Bilaspur.

Sd/-
(Deepak Gupta)
Chief Justice