

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 61 of 2016

1. Smt. Neha Agrawal W/o Shri Suni Agrawal, Aged About 35 Years D/o Late Shri Omprakash Agrawal, R/o- 191, Nagar Nigam Colony, Agrasen Chowk, Raipur, District- Raipur, (Chhattisgarh).
2. Ku. Sneha Agrawal, D/o Shri Sunil Agrawal, Aged About 6 Years Minor, Through Natural Guardian Mother Smt. Neha Agrawal, R/o- 191, Nagar Nigam Colony, Agrasen Chowk, Raipur, District- Raipur, (Chhattisgarh).
3. Yatharth Agrawal, S/o Shri Sunil Agrawal, Aged About 5 Years Minor, Through Natural Guardian Mother Smt. Neha Agrawal, R/o- 191, Nagar Nigam Colony, Agrasen Chowk, Raipur, District- Raipur, (Chhattisgarh).

---- Petitioners

Versus

- Sunil Agrawal S/o Shri Mohanlal Agrawal, Aged About 37 Years R/o- L.B. 04, Padumnagar, Bhilai-3, District- Durg, (Chhattisgarh).

---- Respondent

For Petitioners : Mr. Durgesh Goyal, Advocate
For Respondent : None present even though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2016

1. Even when the case is called out for hearing on second round, no representation is made on behalf of the respondent though served.
2. There is an application under Section 24 of the Code of Civil Procedure for transfer of proceedings under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act, 1955') filed by the respondent before the Family Court at Durg.
3. Learned counsel for the applicants argued that all the applicants have filed application for grant of maintenance under Section 125 Cr.P.C. before the Family Court, Raipur and the respondent / husband has filed application under Section 9 of the Act, 1955 for restitution of conjugal rights before the Family Court at Durg. The applicant No.1 is required to maintain her two children, who are minor in age and if she is required to attend the proceedings pending before the Family Court at Durg, she would suffer hardship in addition to incurring expenses of

traveling means etc. on dates of hearing of the case pending at Durg, therefore, it is prayed the proceedings under Section 9 of the Act, 1955 pending before the Family Court, Durg be directed to be transferred to Family Court, Raipur.

4. Considering aforesaid submission and further taking into consideration that the applicants have already moved application under Section 125 Cr.P.C. before the Family Court, Raipur and that requiring the applicant to visit again and again at Durg will incur expenses and other difficulties that the applicant No.1 is required to maintain two minor children, who may also be required to move with the mother from Raipur to Durg, which result in serious inconvenience hardship, application is allowed.
5. Case No. 335/2016 (Sunil Agrawal Vs. Smt. Neha Agrawal) pending in the Court of Principal Judge, Family Court, Durg is directed to be transferred to Family Court at Raipur for analogous hearing alongwith application filed by the applicants under Section 125 Cr.P.C. before the Family Court at Raipur. A copy of this order be sent to Family Court Durg as well as Family Court Raipur for transmission of records.

Sd/-
(Manindra Mohan Shrivastava)
Judge