

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No.40 of 2016**

Neha Gupta W/o Bhupesh Kumar Gupta, Aged About 28 Years D/o Shri Ram Chandra Gupta, R/o Khajanchi Toli, Milan Chowk, Jashpur Nagar, District-Jashpur, Chhattisgarh

---- **Petitioner****Versus**

Bupesh Kumar Gupta S/o Awdhesh Kumar Gupta, Aged About 32 Years R/o Village & Post- Batouli, Tehsil- Batouli, District- Surguja, Chhattisgarh

---- **Respondent**

For Petitioner	:	Ms. Neha Verma, Advocate.
For Respondent	:	Shri Anup Majumdar, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****09/09/2016**

1. This transfer petition filed by the wife seeks transfer of Civil Suit No.41-A of 2015 filed by the husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the Court of Family Court, Ambikapur to the Court of Family Court, Jashpur. One of the ground for transfer is that the wife has filed a petition under Section 498-A IPC against the husband and other family members at Jashpur.
2. In reply, Learned Counsel for the Respondent-husband has stated that the Petitioner-wife is working lady posted as Assistant Grade-III at Janpad Panchayat, Kunkuri, which is about 50 Kms. from her present place of residence and she travels 100 Kms. per day. The Respondent-husband is ready and willing to give travelling expenses to the Petitioner-wife from Jashpur to Ambikapur.
3. In a case under Section 9 of the Hindu Marriage Act for the restitution

of conjugal rights, presence of Petitioner-wife is not required on each date of hearing. The Court can permit her to appear for one or two days for conciliation and leading evidence.

4. Therefore, I find no merit in the petition. It is rejected.

**Sd/-
(Deepak Gupta)
Chief Justice**