

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 44 of 2016

- Vandana Singh Thakur W/o Nagesh Singh Thakur, Aged About 25 Years R/o Dau Choura, Ward No.16, Khairagarh, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Nagesh Singh Thakur S/o Niranjana Singh Thakur, Aged About 28 Years R/o Raja Colony, Lormi, District Mungeli, Chhattisgarh, At Present R/o Mannu Chowk, Tikrapara, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri C.K. Kesharwani, Advocate
For Respondent	:	Shri Vinay Pandey and Shri Ravi Bhagat Advocates

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

07/11/2016

With the consent of the parties, matter is heard finally.

2. Present petition has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure for transferring the case (Civil Suit No. 329-A/2015) pending before Family Court, Bilaspur to Family Court Rajnandgaon, Camp Court Khairagarh.

3. According to the petitioner/wife, her marriage with the respondent herein was solemnized on 21.2.2015 at Khairagarh, she lived with him only for five months at Bilaspur and thereafter on account of ill-treatment meted out to her by him and his family

members for demand of dowry she was compelled to leave her matrimonial house and is presently living with her father at Khairagarh. Her further case is that to harass and humiliate her, on 9.7.2015 the respondent filed an application under Section 12 of the Hindu Marriage Act making frivolous and bogus allegations against her. According to her, on 4.4.2016 she has also filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance from the respondent which is pending before the Family Court Rajnandgaon, Camp Court Khairagarh.

4. Counsel for the petitioner/wife submits that:

(I) the petitioner is living with her old ailing father at Khairagarh and there is no other male member to assist or accompany her to attend the case at Bilaspur on every date of hearing;

(ii) the distance between Bilaspur and Khairagarh is 250 Kms. and therefore it is very difficult for her to come down to Bilaspur on each and every date and unless she stays at Bilaspur for in the night, she cannot attend the case on the morning;

(iii) the petitioner has no relations at Bilaspur and therefore being a lady it is difficult for her to stay there even for a day and conduct the case;

(iv) recently the petitioner has lost her mother and it is she who has to take care of her father at Khairagarh and if the case is not transferred from Bilaspur, it will be very difficult for her to contest the case;

(v) financial condition of the father of the petitioner is not as

such that he can send her to Bilaspur frequently to attend the case proceedings.

5. Denying the allegations made by the petitioner, it is submitted on behalf of the respondent that the respondent is willing to make arrangements for the petitioner whenever she is required to come to Bilaspur in connection with the case proceedings. He submits that respondent will pay a reasonable amount to the petitioner towards the expenses incurred for attending the case at Bilaspur. He further submits that if the case is transferred from Bilaspur, it may be to Rajnandgaon which will be convenient for both the parties.

6. Heard counsel for the parties and perused the documents on record.

7. Considering the facts and circumstances of the case in particular the fact that the petitioner has recently lost her mother and except her old ailing father, there is no other male member in her family to take her to Bilaspur which is about 250 Kms away from Khairagarh to attend her case and further keeping in view the decisions of the Supreme Court in the matter of ***Amita Shah v. Virendra Lal Shah, (2003) 10 SCC 609*** and in the matter of ***Simi Mehrotra v. Anil Mehrotra, (2002) 10 SCC 70***, present petition is allowed. The case (Civil Suit No. 329-A/2015 – Nagesh Singh Thakur v. Smt. Vandana Singth Thakur, pending before Family Court Bilaspur is hereby withdrawn and transferred to Family Court Rajnandgaon, Camp Court Khairagarh. On such transfer, the Camp Court Khairagarh shall ensure disposal of both

the cases expeditiously.

8. Let parties appear before the Family Court, Rajnandgaon, Camp Court Khairagarh on 5.12.2016.

9. Consequent to transfer of (Civil Suit No. 329-A/2015) from Family Court Bilaspur, hereafter the respondent need not pay Rs. 1,500/- to the petitioner towards conveyance expenses for coming to Bilaspur to attend the case proceedings.

Sd/-

(Pritinker Diwaker)

Judge

Jyotishi