

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TRANSFER PETITION (C) NO. 4 OF 2016

Smt. Rashmi Dhurandhar (Verma), W/o Deepak Verma, D/o Krishna Kumar Dhurandhar, aged about 30 years, R/o 19/11, Vasundhara Nagar, South Bhilai-03, Tahsil & District Durg (C.G.)

... Petitioner

Versus

Deepak Verma, S/o Da Prasad Verma @ D.P. Verma, aged about 32 years, R/o Subhash Ward, Bhatapara, District Balodabazar-Bhatapara (C.G.) at present R/o Anand Vihar, A-zone Durgapur, District Bardhan (W.B.)

... Respondent

For Petitioner	:	Mr. Jitendra Gupta, Advocate.
For Respondent	:	Mr. B. Madhav Rao, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/07/2016

1. The present Transfer Petition has been filed by the Petitioner-wife seeking for transfer of Civil Suit No. HMAH-6/2015 filed by the Respondent under Section 13 of the Hindu Marriage Act against the Petitioner seeking for a decree of divorce, pending before the Additional District Judge, Bhatapara, District Balodabazar-Bhatapara to be transferred to the Family Court, Durg.

2. Learned Counsel for the Petitioner-wife submits that there was a proceeding already pending before the Principal Judge, Family Court, Durg, under Section 125 CrPC, initiated by the Petitioner-wife seeking maintenance against the Respondent-husband in which a final order was also passed by the Family Court, Durg on 14.10.2015. Against the said order, revision petitions were preferred by both the Petitioner-wife as well as the Respondent-husband, which were registered as Criminal Revision Nos. 320 of 2016 and 157 of 2016, respectively.

3. He further submits that the revision petition preferred by the Respondent-husband has since been allowed by this Court and the matter has been remitted back to the Family Court, Durg and therefore taking into consideration the fact that there is already the matter pending before the Family Court, Durg, the present case can also be transferred to the Family Court, Durg so that it becomes convenient for the parties to contest the case more effectively or else the Petitioner-wife in particular would find it difficult to attend one case at Durg and the other case at Bhatapara.

4. The prayer made by Shri Gupta, Counsel for the Petitioner, is not seriously opposed by the Counsel for the Respondent except for opposing the fact that no strong case is made out for transfer of the present case from Bhatapara to Durg.

5. Having considered the submissions put forth by the Counsel for Petitioner and taking note of the fact that the matter of maintenance which was earlier decided by the Family Court, Durg has since been remitted back by this Court in Criminal Revision No. 157 of 2016 to the Family Court, Durg, it would be convenient and also justifiable on the part of the Petitioner to make a prayer for transferring of the said civil suit also to the Family Court, Durg.

6. Accordingly, the present Transfer Petition is allowed and it is ordered that Civil Suit No. HMAH-6/2015 pending before the Additional District Judge, Bhatapara shall forthwith be transferred to the Principal Judge, Family Court, Durg who in turn is directed to dispose of the matter at the earliest.

7. Counsels for the parties jointly submit that the next date of hearing before the Court below is 27.7.2016 and if permitted both the Petitioner as well as the Respondent may enter appearance before the Family Court,

Durg on that date and meanwhile the records of Civil Suit No. HMAH-6/2015 may be ordered to be sent to the Family Court, Durg by that date.

8. The prayer made by the Counsels for the parties appears to be reasonable. Accordingly, it is directed that both the parties shall remain present before the Family Court, Durg on 27.7.2016.

9. Registry is directed to ensure that Civil Suit No. HMAH-6/2015 pending before the Additional District Judge, Bhatapara shall be forthwith got transferred to the Principal Judge, Family Court, Durg and also to ensure that the records reach to the Principal Judge, Family Court, Durg well before 27.7.2016.

10. With the aforesaid observation/direction, the Transfer Petition stands allowed.

Sd/-
(P. Sam Koshy)
Judge