

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 63 of 2016

- Smt. Mamta Sahu W/o Ghanshyam Sahu, Aged About 30 Years D/o Angira Prasad Sahu, R/o Banjrang Para Kohka Near Kabir Vatika, Bhiali, District Durg, Chhattisgarh(Non-Applicant)

---- Petitioner

Versus

- Ghanshyam Sahu S/o Late Nilamber Prasad Sahu, Aged About 32 Years R/o Jawahar Colony, Kharsiya, P.S. And Tahsil Kharsiya, District Raigarh, Chhattisgarh(Applicant)

---- Respondent

For Petitioner : Mr. Vinod Kumar Sharma, 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 13 (1) of the Hindu Marriage Act, 1955 (for short, 'the Act, 1955') filed by the respondent before the Family Court at Raigarh.
3. Learned counsel for the petitioner argued that all the petitioner has filed an application for grant of maintenance under Section 125 Cr.P.C. before the Family Court, Durg and the respondent / husband has filed application under Section 13(1) of the Act, 1955 for grant of decree of divorce before the Family Court at Raigarh. The petitioner is required to maintain her daughter, who is minor in age and if she is required to attend the proceedings pending before the Family Court at Raigarh, she would suffer hardship in addition to incurring expenses of traveling means etc. on dates of hearing of the case pending at Raigarh, therefore, it is prayed the proceedings under Section 13(1) of the Act, 1955 pending before the Family Court, Raigarh be directed to transfer to Family Court, Durg.

4. Considering aforesaid submission and further taking into consideration that the petitioner has already moved an application under Section 125 Cr.P.C. before the Family Court, Durg and that requiring the petitioner to visit again and again at Raigarh will incur expenses and other difficulties that the petitioner is required to maintain her minor children, who may also be required to travel from Durg to Raigarh, may suffer inconvenience hardship, application is allowed.
5. **S.N.F.No.110-A/2016 (Ghanshyam Vs. Smt. Mamta Sahu)** pending in the Court of Principal Judge, Family Court, Raigarh is directed to be transferred to Family Court at Durg for analogous hearing alongwith application filed by the petitioner under Section 125 Cr.P.C. before the Family Court at Durg. A copy of this order be sent to Family Court Raigarh as well as Family Court Durg for transmission of records.

Sd/-
(Manindra Mohan Shrivastava)
Judge