

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (Civil) No.20 of 2016

1. Smt. Sandhya Chandel @ Manju, wife of Ashish Kumar Chandel, aged about 25 years,
2. Ku. Aradhya Chandel @ Ashi, D/o Ashish Kumar Chandel @ Daljeet Singh, aged about 1 year, Minor through Natural Guardian Mother Smt. Sandhya Chandel @ Manju, wife of Ashish Kumar Chandel @ Daljeet Singh,

Both are present Address Kalika Nagar, Tifra, Post Tifra, District Bilaspur, Chhattisgarh

---Petitioners

versus

Ashish Kumar Chandel @ Daljeet Singh, son of Late Ashok Kumar Chandel, aged about 28 years, Permanent Address Kalkasha Chowk, In front of Mali Ghoru Kukurdeo Temple, Balod District Balod, Chhattisgarh – 491226, Address of the Shop Ganga Maiya Medical Store, Shop No.10, New Bus Stand Balod, District Balod, Chhattisgarh – 491226

---- Respondent

For Petitioners	:	Shri Ajay Shrivastava, Advocate
For Respondent	:	Shri B.P. Singh and Shri Akhilesh Mishra, Advocates

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

17/6/2016

1. This transfer petition has been filed under Section 24 C.P.C. for transfer of the petition filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights by the husband from Family Court, Balod to Family Court, Bilaspur.

2. The undisputed facts of the case are that Petitioner No.1/wife was married to the Respondent/husband and out of their wedlock one girl/Petitioner No.2 Kumari Aradhya Chandel took birth. When dispute arose between the parties, the Petitioner/wife filed a petition for grant of maintenance under Section 125 Cr.P.C., which was registered as M.J.C. No.9 of 2016. The M.J.C. is pending in the Family Court, Bilaspur. Thereafter, the Respondent/husband filed a petition under Section 9 of the

Hindu Marriage Act for restitution of conjugal rights before the Family Court, Balod.

3. The wife/Petitioner is stated to be unemployed. She has a young daughter aged about 1½ years. These two facts, in my considered opinion, are themselves sufficient ground to transfer the petition from the Family Court, Balod to Family Court, Bilaspur.

4. Therefore, the transfer petition is allowed. The case bearing No.21A of 2016 between Ashish Kumar Chandel v. Smt. Sandhya Chandel under Section 9 of the Hindu Marriage Act pending in the Family Court, Balod is ordered to be withdrawn from the said Court and transferred to the Family Court, Bilaspur.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE