

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.29 of 2016**

Smt. Varsha Aaylani @ Manju W/o Shri Sunil Aaylani, Aged About 35 Years
D/o Shri Vidyapal Vadhvani, R/o Near Nandu Garage, Telipara, Bilaspur,
Chhattisgarh

---- **Petitioner**

Versus

Sunil Aaylani S/o Shri Gurumukh Das Aaylani, Aged About 35 Years R/o
New Shanti Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Sudhir Bajpai, Advocate.
For Respondent	:	Shri Parag Kotecha, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

19/08/2016

1. This transfer petition has been filed by the wife for transfer of Matrimonial Case No. 61 of 2016 filed by the husband, which is pending before the Second Additional Principal Judge, Family Court, Raipur to Family Court, Bilaspur.

2. The undisputed facts are that the parties were married to each other. The wife filed a petition under Section 125 Cr.P.C. which is pending before the Family Court, Bilaspur. Thereafter, the husband filed an application for grant of divorce before the Principal Judge, Family Court, Raipur. It is not disputed that the husband is attending the Court at Bilaspur to contest the 125 Cr.P.C. proceedings, therefore, it would be better that both the cases should be heard by the one Judge.

3. In view of the above, in the interest of justice, Matrimonial Case No. 61 of 2016 pending before the Second Additional Principal Judge, Family Court, Raipur be transferred to the Family Court, Bilaspur.
4. It is however ordered that the Family Court will ensure that the same date is given in both the cases i.e. proceedings under Section 125 Cr.P.C. as well as the divorce petition, so that both the cases heard on the same date. It is further ordered that the wife shall not be entitled to any expenses for attending the hearing since at her request, case was transferred from Raipur to Bilaspur. In this regard, the order passed by the Family Court, Raipur shall stand modified accordingly.
5. The transfer petition stands disposed of.

Sd/-
(Deepak Gupta)
Chief Justice