

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 23 of 2016

- Smt Roshani Dewangan W/o Amit Dewangan, Aged About 33 Years R/o Rajmahal Colony Bodla District- Kabirdham, Chhattisgarh(Non Applicant)

---- Petitioner

Versus

- Amit Dewangan S/o Hilekh Dewangan, Aged About 35 Years Old Resident Of Tikari, Post/ Police Station- Arjunda, Tahsil- Gundardehi, District- Balod, Chhattisgarh(Applicant)

---- Respondent

For Petitioner	: Shri BL Sahu, Advocate.
For Respondent	: Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

21/11/2016

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

02. Marriage of the petitioner and the respondent is said to have been solemnized in May, 2013 and out of the wedlock the couple has one male child, aged about three years, who is residing with the petitioner at Bodla, Distt. Kabirdham. According to the petitioner, as she was ill-treated, she was compelled to live separately and is, therefore, living at Bodla, Distt. Kabirdham whereas the respondent is residing at Guderdehi, Distt. Balod. On 11.9.2015 the respondent filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights before Principal Judge, Family Court, Balod. The present petition has been filed by the petitioner/wife seeking transfer of

the said case from Distt. Balod to Distt. Kawardha on the following grounds:

- that the petitioner is living at her parental house where except her aged father, there is no other male member to accompany her to attend the case at Balod.
- that distance between Balod and Kawardha is about 200 km, therefore, it gets very difficult for the petitioner to attend the Court at Balod on every date of hearing and unless she stays at Balod in the night, she cannot attend the Court next day.
- that the petitioner has no relation at Balod and therefore, it is difficult for the petitioner being a lady to stay there even for a day and to contest the case.

03. Counsel for the respondent opposes the petition.

04. Heard learned counsel for the parties and perused the material on record.

05. Considering the facts and circumstances of the case, in particular the fact that the petitioner, who is a lady, has to travel a long distance of 200 km all alone to attend the case at Balod where she has no relation, in view of judgments of the Hon'ble Apex Court in the matters of ***Amita Shah Vs. Virendra Lal Shah, (2003) 10 SCC 609 and Simi Mehrotra Vs. Anil Mehrotra, (2002) 10 SCC 70***, the transfer petition is allowed.

06. Consequently, Case No.28-A/15, Amit Dewangan Vs. Smt.

Roshani Dewangan, pending before the Principal Judge, Family Court, Balod is hereby withdrawn and transferred to Family Court, Kabirdham Distt. Kawardha.

Parties to appear before the Principal Judge, Family Court, Kabirdham Distt. Kawardha, on 20th December, 2016.

Sd/

(Pritinker Diwaker)

Judge

Khan