

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 46 of 2016

- Smt. Anima @ Chetna Dewangan W/o Shri Jitendra Kumar Dewangan, Aged About 33 Years R/o Village Devribangla, P. S. Devribangla, Tahsil Dondilohara, District Balod, Chhattisgarh

---- **Petitioner**

Versus

- Jitendra Kumar Dewangan S/o Shri Jeevanlal Dewangan, Aged About 40 Years Occupation Service, Asst. Grade III, Department Of Tribal Welfare, Bhanupratappur, District North Bastar, Kanker, Chhattisgarh

---- **Respondent**

For Petitioner : Shri Aman Kesharwani, Advocate
For Respondent : Shri PK Tulsyan, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

ORDER

02.09.2016

- 1) This is a transfer petition whereby the wife has prayed that the petition filed by the husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court, Kanker (CG) be transferred to Third Family Court, Durg (CG).
- 2) As per the affidavit filed by the husband, maintenance amount of Rs.30,000/- is due, out of which, he has paid only Rs.10,000/-.
- 3) Learned counsel for the petitioner states that in fact, the petitioner has received only Rs.7,000/-.
- 4) Be that as it may, the fact remains that the husband is not paying even the maintenance amount to the wife and child

regularly. Therefore, this itself is a good reason to transfer the case. As the wife is not being paid the maintenance by her husband, she cannot be expected to travel from one station to other for attending the case.

- 5) In view of above, the transfer petition is allowed.
- 6) Accordingly, Civil Suit No.19-A/2016 pending before the Family Court, Kanker is transferred to the Third Family Court, Durg.
- 7) Since the Civil Suit has been transferred at the request of the wife, she will not be entitled for any travel expenses for herself and her assistant, if any. Order of the Family Court, Kanker shall be modified accordingly.
- 8) It is further directed that the case filed under Section 125 of the Cr.P.C., filed by the wife at Durg and the case that has been transferred from Kanker to Durg, both of these cases shall be heard on the same day, so as to avoid inconvenience to the parties.

Sd/-
(Deepak Gupta)
Chief Justice