

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 70 of 2015

- Smt. Shweta Swarnkar (Soni) W/o Shri Chandrakant Soni, Aged About 27 Years R/o Sector-1, Street No. 30, Qtr. 6 B, Bhilai Power House, District Durg, Chhattisgarh

---- Applicant

Versus

- Chandrakant Soni S/o Sukhdev Prasad Soni, Aged About 28 Years R/o Purana College Road, Champa, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.P. Singh, Advocate.
For Respondent	: Shri G.I. Sharan, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

25/10/2016

Present petition has been filed under Section 24 of Code of Civil Procedure for transfer of Case No.123-A/15 pending before the Family Court, Janjgir-Champa to Family Court, Durg.

02. According to the applicant/wife, her marriage was solemnized with the respondent on 6.12.2014 at Janjgir-Champa. She lived with the respondent for about a month and thereafter, on account of ill-treatment by the respondent and his family members for demand of dowry she was compelled to leave her matrimonial house and is presently living with her parents at Durg.

03. On 19.10.2015 the applicant filed an application under Section 125

of Cr.P.C. before the Principal Judge, Family Court, Durg, vide MJC No.454/15 and the respondent is regularly attending the said Court. In the meanwhile, on 2.9.2015 the respondent had filed an application under Section 12 of Hindu Marriage Act before the Family Court, Janjgir-Champa for dissolution of marriage, which was registered as Case No.123-A/15. The present petition has been filed seeking transfer of the case pending at Janjgir-Champa to Durg on the following grounds:

- that the petitioner is living with her old ailing parents and there is no other male member in her family to assist her or accompany her to attend the case at Janjgir-Champa.
- that distance between Janjgir-Champ and Durg is about 250 km, therefore, it gets very difficult for the petitioner to attend the Court at Janjgir-Champa on every date of hearing and unless she stays at Janjgir-Champa in the night, she cannot attend the Court next day.
- that the petitioner has no relation at Janjgir-Champa and therefore, it is difficult for the petitioner being a lady to stay at Janjgir-Champa even for a day and to contest the case.
- that the respondent is also threatening the petitioner for her life and against which she made complaints to the police on 19.11.2015 and 24.11.2015.
- that the petitioner is suffering from some mental ailment and for this reason also, it is very difficult for her to attend the Court at

Janjgir-Champa by traveling a long distance of about 250 km from Durg.

04. The respondent has not filed any reply to the present petition rebutting the allegations as leveled by the petitioner. It has, however, been argued by Shri Sharan that the allegation of extending threat to the petitioner by the respondent is totally false and frivolous and the complaints in this regard were made just to create a ground for transfer of the case and to harass the respondent. He submits that the respondent is ready to make arrangement for the petitioner at Janjgir-Champa during her stay there in connection with the case and is even ready to pay her travelling expenses.

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

06. Considering the facts and circumstances of the case, in particular the fact that the petitioner has ailing parents, there is no other male member in her family to take her to Janjgir-Champa which is at a considerable distance of about 250 km from Durg; she is also suffering from some mental ailment and there is no relation of her in Janjgir-Champa, 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.

07. Consequently, Case No.123-A/15, Chandrakant Soni Vs. Shweta @ Kesar Soni, pending before the Family Court, Janjgir-Champa is hereby withdrawn and transferred to Family Court, Durg. Principal

Judge, Family Court, Durg shall ensure disposal of both the cases expeditiously by trying the same together.

Parties to appear before the Principal Judge, Family Court, Durg, on 15.11.2016.

Sd/

(Pritinker Diwaker)

Judge

Khan