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HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) Case No. 20 of 2015**

Smt. Kashish @ Manisha Jotwani, W/o Shri Sushil Jotwani, aged about 28 years, D/o Sadhura Valrayani, R/o First Floor, Sushil Traders, Main Road, Charama, Post Office Police Station & Tahsil Charama, District Kanker, Chhattisgarh and through Sadhura Valrayani, Whole and retail seller of Bardana, Amapara Chowk, Dhamtari, Tahsil and District Dhamtari, Chhattisgarh.

---- Applicant

Versus

Sushil Jotwani S/o Late Tirathdas Jotwani, aged about 32 years, R/o Main Road, Charama, Post Office, Police Station & Tahsil Charama, District Kanker, Chhattisgarh.

---- Respondent

For Applicant - Shri Shivendu Pandya, Advocate.

For Respondent - Shri Sunil Otwani, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board**09/09/2016**

1. This transfer petition has been filed by Applicant-Wife seeking transfer of Civil Suit No. 23-A of 2014 (Sushil Jotwani v. Smt. Kashish @ Manisha Jotwani) pending before the Family Court Kanker, District Kanker to the Family Court , Dhamtari, District Dhamtari.
2. As per facts mentioned in the transfer petition, marriage between Applicant and Respondent was solemnized on 01.01.2007 at Kanker according to Hindu rituals. The Respondent preferred a civil suit under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') for a decree of divorce which is pending consideration before the Family Court, Kanker.
3. The Applicant has filed this transfer petition for transfer of the above mentioned civil suit on the ground that she is a lady, she has to face difficulty while attending the Court at Kanker because presently she is residing at Dhamtari

alongwith her parents, also she was threatened to life by the Respondent when she went to attend the Court proceedings at Kanker, whereas the Respondent is doing his business at Charama from where he can easily attend the Court proceedings at Dhamtari, and therefore prays that the above mentioned case pending consideration before the Family Court, Kanker be transferred to the Family Court, Dhamtari, in the interest of justice.

4. Earlier also, the aforesaid suit was ordered to be transferred to Dhamtari but that order was recalled vide order dated 12.10.2015 passed in MCC No. 560 of 2015, because that had been passed in absence of counsel for the Respondent-Husband.

5. I have heard learned counsel for the parties.

6. Keeping in view the fact that the Applicant-wife is a lady and it would be difficult for her to travel from Dhamtari to Kanker which is in a Tribal area, I direct that Civil Suit No. 23-A of 2014 (Sushil Jotwani v. Smt. Kashish @ Manisha Jotwani) pending before the Family Court Kanker, District Kanker be transferred to the Family Court , Dhamtari, District Dhamtari.

7. It is stated that the evidence of Respondent-Husband has already been recorded. The parties are directed to appear before the Family Court, Dhamtari on 17.10.2016. The Registrar General shall send a message to the Presiding Officer of Family Court, Kanker to ensure that records of the aforesaid civil suit is transferred and reaches to the Family Court, Dhamtari before 17th October, 2016. Thereafter, the Family Court, Dhamtari shall give two dates for recording of the evidence of the Applicant-wife and shall also endeavour to dispose of the matter as early as possible, not later than 31st December, 2016.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE