

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.12 of 2017**

Dashoda @ Payal W/o Vinay Saw, Aged About 35 Years R/o Village Khokhara, Through Near Ramashankar Sahu School, Tehsil And Police Station Janjgir, District Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

Vinay Saw S/o Late Aasharam Ji Saw, Aged About 39 Years R/o Gurunanak Chowk, Janak Bada Raipur, Tehsil And District Raipur, Chhattisgarh

-----Respondent

For Petitioner:

Shri PP Sahu, Advocate.

For Respondent:

Shri KN Nande, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J

Order On Board

08.11.2017

1. This is the Petition filed under Section 24 of the Code of Civil Procedure, 1908 whereby the Petitioner/wife has prayed for transfer of Civil Suit No.20/17 pending before the 1st Additional Principal Judge, Family Court, Raipur under Section 13 of the Hindu Marriage Act, 1955 to the family Court at Janjgir, Distt. Janjgir-Champa on the ground that she being a lady, is unable to move from one court to another.

2. Shri PP Sahu, learned Counsel for the Petitioner submits that the marriage between the parties was solemnized on 3.7.2010 in accordance with the Hindu rites and rituals. After some time of marriage, the Respondent and his family members started ill-treating the Petitioner on the ground of bringing less dowry. It is submitted further that the mother of the Petitioner is suffering from cancer and therefore, it is difficult for her to travel from village Khokhara, Distt. Janjgir-Champa to the Family Court, Raipur. It is submitted further that

the Petitioner/Wife is at present residing with her parents having no source of income and that the Respondent/Husband is neither maintaining her nor paying a single penny for her maintenance and it would therefore be very difficult for the Petitioner/Wife to attend each and every date of hearing if the case is transferred from village Khokhara, Distt. Janjgir-Champa to the Family Court, Raipur. He submits further that the matter may therefore be transferred from the 1st Additional Principal Judge, Family Court, Raipur to the Family Court at Janjgir-Champa.

3. On the other hand, learned Counsel for the Respondent has opposed the Petition by submitting *inter alia* that the Respondent/Husband is handicapped and cannot do anything without the support of anyone. It is contested further on the ground that it is the Petitioner/Wife who has left her matrimonial house on her own wish by saying that she will never come back. In support, he submitted the photograph and the medical certificate of the Government District Hospital, Raipur showing that the Respondent is a permanent handicapped person and therefore, the Petition may be dismissed.

4. Having considered the facts and circumstances of the case and particularly with regard to the fact that the photograph and the medical certificate are showing that the Respondent is a permanent disabled person, therefore, I am not inclined to transfer the case pending before the 1st Additional Principal Judge, Family Court, Raipur to the family Court at Janjgir, Distt. Janjgir-Champa

5. Accordingly, the instant Transfer Petition being devoid of merits, is liable to be and is hereby dismissed. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE