

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.18 of 2017**

Smt. Pinki Kumar @ Rani W/o Shri Raja Babu Kumar, Aged About 25 Years
R/o Village Bhatagaon, Near Bharti Lahare Principal, Tah. Sarangarh, Distt.
Raigarh, Chhattisgarh

---- **Petitioner**

Versus

Rajabau Kumar S/o Shri Arvind Kumar, Aged About 29 Years R/o Kelovihar,
Near Fisheries Office, Raigarh, Tah. & Distt. Raigarh, Chhattisgarh

-----**Respondent**

For Petitioner:
For Respondent:

Shri Manoj Kumar Sinha, Advocate.
None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

21.03.2017

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 a case pending before the Family Court, Raigarh under Section 13 of the Hindu Marriage Act, 1955 to the Court of Additional District Judge, Sarangarh on the ground that she is having two small children and that she is unable to move from one court to another.

2. Brief facts of the case are that on 11.4.2016 Respondent-Rajababu Kumar/husband has submitted an application for divorce as per the provisions prescribed under Section 13 of the Hindu Marriage Act before the Family Court, Raigarh. Upon receiving the notice of the said proceeding, the Petitioner-Smt Pinki Kumar @ Rani appeared before the said Court on 21.10.2016 and was continuously appearing thereafter. In the meantime i.e., on 07.07.2016, the Petitioner/wife has submitted an application for restitution

of conjugal rights as required under Section 9 of the Hindu Marriage Act before the Court of Additional District Judge, Sarangarh. The record further reveals that prior to the filing of this proceeding before the Court of Additional District Judge, Sarangarh, the Petitioner/wife had submitted an application under Section 24 of the Hindu Marriage Act by praying for litigation and travelling charges along with other expenses. On due consideration of the said application, the Family Court, Raigarh has allowed the said application in part on 8.2.2017 by granting her the litigation and travelling charges along with other expenses as well. After obtaining the said relief, the Petitioner/wife has filed this application under Section 24 of CPC for transferring the matter pending before the Family Court, Raigarh to the Court of Additional District Judge, Sarangarh.

3. Having considered the facts and circumstances of the case and particularly with regard to the fact that she has already obtained the litigation and travelling charges along with other expenses from the Family Court, Raigarh, therefore, I am not inclined to transfer the case pending before the Family Court, Raigarh to the Court of Additional District Judge, Sarangarh.

4. Accordingly, the Petition being devoid of merit, is hereby dismissed. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE