

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P.(C) No. 19 of 2017**

1. Smt. Nisha Andani, W/o Dilip Kkumar Andani, Aged about 31 years, Through Shri Lalchand Lachwani, R/o Near Ekta Printers, Itwari Bazar, Dhamtari, Tah. & Dist.- Dhamtari (C.G.) (Non-Applicant)

---- Petitioner**Versus**

1. Dilip Kumar Andani, S/o Shri Narayan Das, Aged about 35 years, R/o Ward No.14, House No.53, Chakarbhata Camp, Bilha, Dist-Bilaspur (C.G.)(Applicant)

---- Respondent

For Petitioner:
For Respondent:

Shri Ravindra Sharma, Advocate.
Shri Sunil Otwani, Advocate.

Single Bench:Hon'ble Shri Sanjay Agrawal, J**Order On Board****31.10.2017**

1. This is the petition preferred by the wife Smt. Nisha Andani under Section 24 of the Code of Civil Procedure for transfer of Civil Suit No. 38-A/2017 from concerned Family Court, Bilaspur to Family Court Dhamtari.

2. Shri Ravindra Sharma, Counsel for the petitioner submits that the marriage of the parties was solemnised on 26.01.2011 at Dhamtari and out of their wedlock twin children were born on 23.02.2016. It is submitted further that after sometime wife has left her matrimonial house and started living in her maternal house because of physical and mental cruelty by her in-laws. It is submitted further that petitioner is a housewife and is having no source of income, and therefore, unable to travel more than 180 km. along with one year

old twin children because her family members are not in a position to accompany her from travelling Dhamtari to Bilaspur on each and every hearing.

3. Further contention of Shri Sharma is that after filing of the application for restitution of conjugal rights, the petitioner has also submitted an application under Section 125 of the Cr.P.C before the Family Court, Dhamtari, therefore, it would be convenient for both the parties if the said matter, registered as Civil Suit No. 38-A/2017, is transferred from concerned Family Court, Bilaspur to Family Court Dhamtari.

4. On the other hand Shri Sunil Otwani, Counsel for the respondent has opposed the petition that wife is living in her maternal house on her own and no cruelty, as alleged, has ever been done by the respondent and his family members. Therefore, this transfer petition deserves to be dismissed.

5. Having heard learned counsel for the parties and considering the facts and circumstances of the case and particularly with regard to the fact that the petitioner/wife is a lady residing with one year old twin children, I am of the opinion that the said suit, registered as Civil Suit No.38-A/2017, deserves to be transferred from concerned Family Court, Bilaspur to Family Court, Dhamtari.

6. Consequently, on due consideration, this transfer petition filed by the petitioner/wife is hereby allowed and it is ordered that Civil Suit No. 38-A/2017 filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955 pending before the concerned Family Court, Bilaspur shall stand transferred to the Family Court Dhamtari for its trial in accordance with law.

The concerned Family Court, Bilaspur is hereby directed to transmit the concerned record immediately towards the Family Court, Dhamtari, who is hereby directed to decide both the matters as expeditiously as possible. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE

Nikita