

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P(C) No.28 of 2017**

Smt. Vanita Jaikab (Sonwani) W/o Vipin Sonwani, Aged About 32 Years C/o Vijay Jaikab, Behind Narayanpur, Bus Stand, Tehsil & District Narayanpur, Chhattisgarh.

---- Petitioner

Versus

Vipin Sonwani S/o Late Shri Vijay Sonwani, Aged About 36 Years R/o Sorid Nagar, Bastar Road, Dhamtari, Tahsil & District Dhamtari, Chhattisgarh.

---- Respondent

For Petitioner:
For Respondent:

Ms Sareena Khan, Advocate.
None, though served.

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

11.08.2017

1. This Transfer Petition has been preferred under Section 24 of the Code of Civil Procedure, 1908 by Smt Vanita Jaikab, wherein it is submitted that her marriage was solemnized on 31.10.2008 with the Respondent and a child was born out of their wedlock named as Rohansh Sonwani., who is 7 years old.

2. It is submitted by the Petitioner that immediately after the marriage, the Respondent started ill-treating her by subjecting her to physical assault. The Respondent earlier had applied for divorce under Section 10 of The Divorce Act, 1869 which was registered as Civil Suit No.85-A/2013. The said matter was decided on the basis of compromise, however, after the said compromise, the Respondent again started ill-treating her due to which, the Petitioner has been living separately.

3. That on 20.6.2016, the Respondent has again filed a divorce petition under Section 10 of The Divorce Act, registered as Civil Suit No.41-A/2016

pending before the Family Court, Dhamtari.

4. It is submitted in this Transfer Petition that the Petitioner has been living along with her seven years old child with her parents and the distance is about 150 kms from her place to the Court where the said divorce Petition has been filed and that it is very difficult for her to attend each hearing before the Family Court at Dhamtari.

5. In view of the above fact, the Petitioner is praying for transfer of the said matter at Family Court, Dhamtari to the Family Court, Kondagaon.

6. On due consideration of the facts and circumstances of the case, the Transfer Petition filed by the Petitioner is hereby allowed and it is directed that Civil Suit No.41-A/2016 filed under Section 10 of The Divorce Act, 1869 pending before the Family Court, Dhamtari shall stand transferred to the Family Court at Kondagaon for its trial in accordance with law.

7. The Family Court, Dhamtari is hereby directed to send the concerned record immediately to the Family Court, Kondagaon who in turn, shall issue fresh notices to both the parties and decide the matter in accordance with law. There shall be no order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE