

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 44 OF 2017**

Smt. Sonia Agrawal / Jain Wife Of Shri Garvit Agrawal, Daughter Of Shri Ashok Jain, Aged About 26 Years, R/o 120B, Sector-3, Geetanjali Nagar, Raipur Chhattisgarh Civil & Revenue District Raipur.

---- **Petitioner****Versus**

Garvit Agrawal S/o Shri Ramawtaar Agrawal Aged About 29 Years Occupation Business, R/o 404, Usha Heights, Srikant Verma Marg, Bilaspur Chhattisgarh.

---- **Respondent**

For Petitioner	:	Mr. M. L. Sakat, Advocate
For Respondent	:	Mr. Ankit Singhal, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****08/11/2017**

1. This is a petition preferred by the petitioner/wife under Section 24 of the Code of Civil Procedure, 1908 for transfer of Civil Suit No. 242-A/2017 pending before the Family Court, Bilaspur to the Family Court, Raipur.

2. Mr. M. L. Sakat, learned counsel for the petitioner/wife submits that the marriage between the parties was solemnized on 12/07/2016 at Bilaspur as per Hindu rites and rituals. After the marriage, since the petitioner was prosecuting her studies, therefore, she used to go to Raipur in this regard. He submits further that on 15/11/2016, the petitioner left the house of the respondent on the ground of appearing in M. Teck examination, but she did not return to her matrimonial home despite several efforts made by the respondent/husband and his family members. On the basis of those grounds, the respondent/husband has initiated the proceedings as required under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act of 1955') before the Family Court, Bilaspur,

where the case has been registered as Civil Suit No. 242-A/2017. He submits further that after receiving the notice of the said proceeding, the petitioner/wife appeared on 29/06/2017 and even prior to her appearance, she has filed an application under Section 125 of the Cr.P.C. for grant of maintenance before the Principal Family Court, Raipur. He submits further that the petitioner is residing with her old parents at Raipur and is totally dependent on them being an unemployed lady. He lastly submits that the petitioner has no independent source of income, therefore, the alleged proceeding as initiated by the respondent/husband under Section 9 of the Act of 1955, registered as Civil Suit No. 242-A/2017, be transferred from the Family Court, Bilaspur to the Principal Family Court, Raipur.

3. On the other hand, Mr. Ankit Singhal, learned counsel for the respondent has opposed the petition and submits that the petitioner herself started living separately, therefore, the alleged proceeding initiated under Section 9 of the Act of 1955 by him should not be transferred particularly where the distance between Bilaspur to Raipur is hardly 100 Kms. He submits further that he is ready and willing to bear the reasonable litigation expenses of the petitioner in order to enable her to defend the case at Family Court, Bilaspur.

4. Having considered the facts and circumstances of the case and particularly with regard to the fact that the petitioner/wife is residing with her old parents at Raipur being an unemployed lady and under such circumstances, her convenience is required to be taken into consideration. Therefore, this Court, by taking into consideration the convenience of the petitioner/wife, thinks it appropriate to transfer the said case, bearing Civil Suit No. 242-A/2017 pending before the Family Court, Bilaspur to Principal Family Court, Raipur.

5. On due consideration, the Transfer Petition (C) filed by the petitioner is hereby allowed and it is ordered that Civil Suit No. 242-A/2017 (Garvit Agrawal v.

Smt. Soniya Agrawal) filed under Section 9 of the Act of 1955 presently pending before the Family Court, Bilaspur (C.G.) be withdrawn and transferred to the Principal Family Court, Raipur, (C.G.) for its trial/disposal in accordance with law. The trial Court/Family Court, Bilaspur, is hereby directed to transmit immediately the concerned record towards the Principal Family Court, Raipur for further proceedings.

6. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
Judge