

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 81 of 2016

Smt. Sunita Meshram W/o Shri Praful Meshram, Aged About 38 Years R/o
Village- Marda, P.S. Gariyaband, Distt. Gariyaband, Chhattisgarh

---- Petitioner

Versus

Shri Praful Meshram S/o Shri Harish Meshram, Aged About 42 Years R/o E W S-
557, Housing Board, Jamul, P.S. Jamul, District Durg, Chhattisgarh

---- Respondent

Shri Pragalbha Sharma, counsel for the petitioner/s.
None for respondent though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/01/2017

This application is filed for transfer of HMA No.55A/2014 (Praful Meshram v. Sunita Meshram) pending in the Court of 1st Additional Principal Family Judge, Family Court, Durg.

2. The ground on which the petitioner has sought transfer of the case is that the case is pending at Durg whereas the petitioner is residing with her two children at Gariyaband which is at a distance of about 130 kms. Prayer has been made for transfer of the aforesaid case from Durg to Raipur stating that it will be more convenient for the petitioner to travel to Raipur than to travel from Gariyaband to Durg as the distance of Gariyaband to Raipur is about 90 kms. and the sister of the petitioner is also residing at Raipur. Therefore, the petitioner will get additional facility of boarding at Raipur.

3. Considering the aforesaid submission, this Court finds that as there is no Family Court in Gariyaband, even if the case is transferred to Raipur, the applicant would be required to undertake journey. The applicant could not dispute that there is well established mode of convenience from Gariyaband to Durg as well. Therefore, in these circumstances, I do not consider it a fit case for

directing transfer of the case from Durg to Raipur. The difficulties stated regarding inconvenience in traveling as also expenses, would be a matter for the petitioner to seek appropriate relief from the Family Court on the aspect of litigation expenses.

4. Subject to the said observation, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti