

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 83 of 2016**

Basudha Saha D/o Kanak Saha, aged about 24 years, W/o Raja Sarkar,
R/o Lochan Nagar (Tapovan) P/S Chakradharnagar, Tahsil and District
Raigarh, Chhattisgarh

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

Raja Sarkar S/o Shri Parimal Sarkar, aged about 25 years, Occupation-
Business, R/o Beside Kirana (Mishra) Store, Satti Pada, P/s and Tahsil
Ambikapur, District Sarguja, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Abhishek Saraf, Advocate
For Respondent	:	Shri Rahul Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.02.2017**

The present transfer petition has been filed under Section 24 of the Code of Civil Procedure seeking for transfer of Civil Suit No.123-A/2016 (Raja Sarkar Vs. Vasudha Saha) pending before the Family Court Ambikapur to the Family Court Raigarh.

2. The brief facts necessary for disposal of the present petition are that the respondent in the instant case is the husband of the petitioner. They were married on 28.02.2015 and after sometime, the relationship between the two got strained. On 23.08.2016 the respondent-husband filed a suit for divorce under Section 13 (A) of the Hindu Marriage Act before the Family Court, Ambikapur, District Sarguja where the suit was registered as Civil Suit No. 123-A/2016. On 21.10.2016 the petitioner had filed an application under Section 125 of CrPC at Family Court, Raigarh against the respondent which

is also pending consideration.

3. Counsel for the petitioner submits that the present petitioner is the resident of Lochan Nagar District Raigarh and it would be very difficult for her in contesting the case at Ambikapur for the reason that she is a single lady and there is no direct train from Raigarh to Ambikapur. Therefore, if she is forced to contest her case at Ambikapur, she would face great hardship. He further submits that the petitioner has also filed an application under Section 125 CrPC at Family Court, Raigarh which has been registered as Cr.M.J.C. No. F-91/2016 which is pending consideration and it has been informed by the counsel for the petitioner that the respondent-husband has already entered appearance before the Family Court, Raigarh and is contesting his case. He further submits that since the respondent-husband is already appearing before the Family Court, Raigarh, it would be convenient for the parties if both the cases are taken up at one place i.e. at Raigarh. Therefore, counsel for the petitioner prays for transfer of the Civil Suit No.123-A/2016 from the Family Court, Ambikapur to the Family Court, Raigarh.

4. However, counsel for the respondent opposing the petition submits that the ground raised by the petitioner is not a single ground for transfer and that there is a conflict of ground raised by the petitioner in the transfer petition as compared to the facts stated in the written complaint. Thus, the petition deserves to be rejected.

5. Having considered the facts and circumstances of the case particularly the fact that the petitioner-wife is a young girl aged about 24 years and that there is no direct train available from Raigarh to Ambikapur, this Court is of the opinion that if the petitioner is made to travel from Raigarh to Ambikapur on each date of hearing, she would face great hardship and difficulty. On the contrary, the respondent-husband is a young

man aged about 25 years and is a businessman, therefore, he would not have that much of inconvenience when compared to that of the lady to attend the Court at Raigarh.

6. In view of the same this Court is of the opinion that a strong case of transfer is made out. Accordingly, it is ordered that Civil Suit No.123-A/2016 (Raja Sarkar Vs. Vasudha Saha) pending before the Family Court, Ambikapur be transferred to the Family Court at Raigarh. The Registry is directed to intimate the Family Court at Ambikapur to transfer the file and entire records to the Family Court at Raigarh at the earliest.

7. With the aforesaid observation, the present Transfer Petition stands allowed.

Sd/-
P. Sam Koshy
Judge