

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 69 of 2016**

- Geetanjali Sahu, D/o Ravi Shankar Sahu, aged about 24 years, R/o Vill-Paraswani, P.S. & Tahsil Magarload, District Dhamtari (C.G.)

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

- Dev Lal Benerjee S/o Shri Ram Das Benerjee, aged about 25 years, R/o Village Amodi, P.s. Sarsiva, Tahsil Bilaigarh, District Baloda Bazar, Bhatapara (C.G.)

---- **Respondent**

For Petitioner.	:	Shri Ravindra Sharma, Advocate.
For Respondent	:	None, though served.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****03/01/2017**

Considering the nature of the case, the matter is heard finally.

01. Present petition has been filed under Section 24 of Code of Civil Procedure for transfer of Case No.35-A/2016 pending before District Judge, Baloda Bazar to Family Court, Dhamtari.

02. The petitioner is wife of respondent and their marriage was solemnized on 01.04.2015 as per the Hindu custom at Arya Samaj Temple, Raipur. Unfortunately, dispute arose between the petitioner and respondent, on 13.05.2016 respondent/husband filed an application under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal right before District Judge, Baloda Bazar bearing Case No.35-A/2016. In the meanwhile, on 21.06.2016 petitioner/wife filed an application under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce before Family Court,

Dhamtari.

The present petition has been filed by the petitioner/wife seeking transfer of Case No.35-A/2016 from District Court, Baloda Bazar to Family Court, Dhamtari on the following grounds:

- that the petitioner is residing at Dhamtari and pursuing her studies in the Nursing College at Raipur, there is no other male member to accompany her to attend the case at Baloda Bazar.
- that distance between Dhamtari and Baloda Bazar is 140 km, therefore, it gets very difficult for the petitioner to attend the Court at Baloda Bazar on every date of hearing and unless she stays at Baloda Bazar in the night, she cannot attend the Court next day. This apart, she has no source of income and it is difficult for her to incur heavy expenses in travelling, lodging etc.
- that another matter bearing Case No.40-A/2016 is already pending before Family Court, Dhamtari and both the cases may be tried together.

03. Having regard to the facts and circumstances of the case, in particular the fact that the petitioner, who is a lady, has to travel a long distance of 140 km all alone to attend the case at Baloda Bazar and has to incur heavy expenses therefor and further that her application under Section 13 of Hindu Marriage Act, 1955 bearing Case No.40-A/2016 is already pending before the Family Court, Dhamtari, in view of judgments of the Hon'ble Apex Court in the matters of ***Amita Shah Vs. Virendra Lal Shah, (2003) 10 SCC 609 and Simi Mehrotra Vs. Anil Mehrotra, (2002) 10 SCC 70***, the transfer petition is allowed.

04. Consequently, Case No.35-A/2016, Devlal S/o Ramdas Banarjee

Vs. Smt. Geetanjali Sahu W/o Devlal, pending before the District Judge, Baloda Bazar is hereby withdrawn and transferred to Family Court, Dhamtari. Judge, Family Court Dhamtari shall ensure disposal of both the cases expeditiously by trying the same together.

05. Parties to appear before Family Court, Dhamtari on 08.02.2017. In case the respondent fails to appear on the said date, the Family Court, Dhamtari shall issue notice to him informing him about the next date.

06. Copy of this order be sent to District Court, Baloda Bazar as well as to Family Court, Dhamtari.

Sd/-

(Pritinker Diwaker)
JUDGE