

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 4 OF 2017**

Smt. Komalpreet Kour W/o Kernel Singh, Aged About 25 Years By Caste Sikh,
R/o H.No. C-19, Romneescue Villa, Labhandi, Near Magneto Mall, Raipur, At
Present R/o Shri G.S. Kakkad, Budhwari Para, Ward No.13, Dongargarh, Thana
Dongargarh, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

Kernel Singh Bhatia S/o Preetpal Singh, Aged About 28 Years Caste Sikh, R/o
C-19, Romneescue Villa, Labhandi, Near Magneto Mall, Distt. Raipur,
Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mr. D.K. Gwalre, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****04/05/2017**

1. This is a petition filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, 1908 for transfer of Case No. 706 of 2016 registered under Section 13 of the Hindu Marriage Act pending before the Family Court, Raipur to the Additional District Judge Dongargarh, District Rajnandgaon.

2. Mr. Parag Kotecha, learned counsel for the petitioner submits that one matter under Section 125 of the Code of Criminal Procedure is already pending before the Judicial Magistrate First Class at Dongargarh and since the petitioner is a lady, it is highly inconvenient for her to travel and attend to each and every date of hearing from Dongargarh to Raipur in the said petition instituted by her

husband/respondent. Mr. Kotecha further submits that under such circumstances, the petition filed by the respondent/husband under Section 13 of the Hindu Marriage Act, registered as Case No.706 of 2016 and pending at Family Court Raipur may be transferred to the Additional District Judge, Dongargarh at District Rajnandgaon. He submits further that if the matter is transferred as such, then no prejudice would be caused to the respondent/husband.

3. On the other hand, Mr. D.K. Gwalre, learned counsel for the respondent/husband submits that Family Court at Dongargarh is not available as Family Court is functioning only at District Rajnandgaon. He submits further that no legal ground is made in the petition and merely on the convenience of the wife, the matter should not to be transferred, particularly when video conferencing facilities are now available.

4. Having considered the facts and circumstances of the case and particularly with regard to the fact that the petitioner is a lady residing with her old parents at Dongargarh and under such circumstances, her convenience are required to be taken into consideration when the divorce petition was filed by the respondent under Section 13 of the Hindu Marriage Act. Therefore, this Court, by taking into consideration the convenience of the wife and also with regard to the fact that the Family Court is not functioning at Dongargarh, thinks it appropriate to transfer the said case, bearing Case No. 706 of 2016 filed by the respondent before the Family Court at Raipur to the Family Court at Rajnandgaon.

5. Consequently, the petition is allowed. The said Case No. 706 of 2016, instituted by the respondent/husband and pending before the Family Court at Raipur shall stand transferred to the Family Court at Rajnandgaon. The Family Court at Raipur is, thus, directed to send the record of the case to the Family

Court at Rajnandgaon forthwith. Parties are directed to appear before the Family Court at Rajnandgaon on 30th June,2017.

6. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
Judge

Yogesh