

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 8 of 2017**

- Smt. Neelima Manhar W/o Shri Virendra Manhar, Aged About 46 Years R/o Sector-27, Block No.34, Quarter No.203, Naya Raipur, Thana- Rakhi, District Raipur, Chhattisgarh(Original Non-Applicant)

---- Applicant

Versus

- Virendra Manhar S/o Shri Heeraram Manhar, Aged About 45 Years R/o Police Lines, Jagdalpur, District Bastar, Chhattisgarh(Original Applicant)

---- Non-Applicant

For Petitioner	:	Shri Sachin Singh Rajput, Advocate.
For Respondent	:	Shri Pravin Kumar Tulsyan, Advocate

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

Heard on admission.

2. This is a petition filed by the wife under Section 24 of the Code of Civil Procedure, 1908 (hereinafter referred to as Code of 1908 in short) for transfer of the Civil Case No. 65-A/2016 filed by the non-applicant before the Family Court at Jagdalpur to the Principal Judge, Family Court at Raipur.

3. Shri Sachin Singh Rajput, learned counsel appearing for the applicant/wife would submit that the applicant was subjected to cruelty by the husband. He would further submit that the applicant is a lady residing with her children at Raipur, therefore, it is highly inconvenient for the applicant to travel from Raipur to Jagdalpur on each and every date of hearing as Jagdalpur is about 300 kilometers away from Raipur. Shri Rajput would submit further that under such circumstances, the divorce petition filed by the non-applicant under Section 13 of the Hindu Marriage Act, registered as Civil Case No.65-A/2016 at Family Court, Jagdalpur may be transferred to the Principal Judge, Family Court at Raipur.

4. On the other hand, Shri Pravin Kumar Tulsyan, learned counsel for the non-applicant would submit that video conferencing facilities are available now-a-days in both the Districts and apart from this, the husband is working at Police Station Burbum, District Sukma, which is 200 kilometers away from Jagdalpur. He would submit further that if the matter is transferred from Family Court at Jagdalpur to Family Court at Raipur, then the non-applicant would have to travel first from Sukma to Jagdalpur and thereafter to Raipur, i.e., 500 kilometers. It would, therefore, rather more inconvenient to him in such a condition to travel from Sukma to Raipur on each and every occasion and that too by leaving the Headquarters. Thus, the petition deserves to be rejected.

5. Having considered the aforesaid facts and circumstances of the case and particularly with regard to the fact that the applicant is a lady residing at Raipur along with her two children and wife's convenience, under such circumstances, is required to be taken into consideration particularly when the divorce petition was filed by the non-applicant under Section 13 of the Hindu Marriage Act. Therefore, this Court, by taking into consideration the convenience of the wife, thinks it appropriate to transfer the said Civil Case No. 65-A/2016 filed by the non-applicant before the Family Court at Jagdalpur to the Principal Judge, Family Court at Raipur

6. In view of the aforesaid facts and circumstances of the case, it would be appropriate to transfer the said Civil Case No. 65-A/2016 filed by the non-applicant before the Family Court, Jagdalpur to the Principal Judge, Family Court, Raipur. The application is, therefore, allowed. The said Civil Case No.65-A/2016 (preferred by the non-applicant) pending before the Family Court at Jagdalpur shall stand transferred to the Court of Principal Judge, Raipur. The Family Court at Jagdalpur is, thus, directed to send the record of the case to the Principal Judge, Family Court at Raipur forthwith. Parties are directed to appear before the Principal Judge, Family Court at Raipur, on 3rd July, 2017.

7. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
Judge