

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**T. P. (C) No. 21 OF 2017**

Horilal, son of Motilal Ahirwar aged about 36 years, by caste Mochi, resident of village Belgaon, P.S. and Tahsil Dongargarh, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

Smt. Santoshi Ahirwar, wife of Horilal, aged about 35 years, at present resident of Shri Chaturram Gatre, Post Dhamdha, District Durg (C.G.)

---- Respondent

For Petitioner	:	Mr. Vijay Kumar Sahu, Advocate on behalf of Mr. Sanjay Kumar Agrawal, Advocate
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Hon'ble Shri Justice Sanjay Agrawal**Order On Board****27/03/2017**

Heard on admission.

1. This is a petition filed under Section 24 of the Civil Procedure Code, 1908, by which, the petitioner is praying for transfer of divorce petition registered as Case No. 23-A/2014 from the Court of First Additional District Judge, Dongargarh (Rajnandgaon) to the Court of Additional District Judge, Durg.
2. Undisputed facts of the case are that the petitioner Horilal has initiated a divorce proceedings as per the provisions prescribed under Section 13(1) of the Hindu Marriage Act, 1955. The said case was registered as Case No. 23-A/2014.
3. The respondent/non-applicant Smt. Santoshi Ahirwar has also initiated the proceedings under Section 10 of the Hindu Marriage Act, 1955 before the Additional District Judge, Durg.

4. After receiving summons of the proceedings of Case No. 23-A/2014 which was initiated by the petitioner under Section 13(1) of the Hindu Marriage Act, 1995, the respondent/non-applicant Smt. Santoshi Ahirwar appeared in the said proceedings and submitted an application under Section 24 of the Hindu Marriage Act, 1995 by claiming litigation charges as well as travelling charges.

5. On due consideration of the said application, the First Additional District Judge, Dongargarh (Rajnandgaon) by its order dated 22/12/2016 has allowed the said application in part and directed the petitioner Horilal to pay the litigation charges as well as the travelling charges to the tune of Rs. 2000/- and Rs. 300/-, respectively.

6. Immediately after passing of the aforesaid order, the petitioner Horilal has filed this transfer petition on 22/03/2017 under Section 24 of the Civil Procedure Code, 1908, praying for transfer of the said proceedings i.e. Case No. 23-A/2014 from the Court of First Additional District Judge, Dongargarh (Rajnandgaon) to the Court of Additional District Judge, Durg.

7. Upon considering the facts involved in the matter, it is apparent that in order to get rid of the order passed by the First Additional District Judge, Dongargarh (Rajnandgaon) on 22/12/2016, the instant transfer petition has been filed in an ulterior motive. Even otherwise, I do not find any legal ground so as to transfer the said matter from the Court First Additional District Judge, Dongargarh (Rajnandgaon) to the Court of Additional District Judge, Durg.

8. Consequently, the petition, being devoid of merits, is hereby dismissed at admission stage itself without notice to the other side.

Sd/-
(Sanjay Agrawal)
Judge