

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 258 of 2017

Smt. Kavita Singh W/o Vasant Kumar Singh (Wrongly Mentioned As Bansat),
Aged About 37 Years, R/o Through: Ambikeshwar Singh, D.M.Q.-28, Hospital
Colony, Vishrampur, District (Revenue And Civil)- Surajpur, Chhattisgarh

---- Petitioner

Versus

Vasant Kumar Singh (Wrongly Mentioned As Bansat) S/o Birendra Pratap
Singh, Aged About 39 Years R/o Quarter No.04/ D, Road No.19, Sector 11,
Jone-01, Bhilai, Tahsil And District (Revenue And Civil) Durg, Chhattisgarh

---- Respondent

For Petitioner	:	Shri S.D. Singh, Advocate
For Respondent	:	None appears despite service of notice.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/06/2017

Heard.

1. Learned counsel for the applicant submits that while allowing the application of the wife for transfer of the case, the case is directed to be transferred from Family Court, Durg to the Family Court Vishrampur, whereas there is no family Court at Vishrampur, but the jurisdictional family Court is situated at Surajpur.
2. The aforesaid submission has not been disputed by the respondent. Therefore, the application (MCC) is allowed and the order dated 13.2.2017 passed in TPC No.71 of 2016 is modified to the extent, that paragraph 5 & 6 of the order shall now be read as under :

“5. A common thread running through all these decisions appears to be consideration of better convenience of wife. In the present case also, the wife is staying at Vishrampur which is quite far away from Durg where the case is pending. She has got a minor son aged 10 years and the petitioner and her son, both are bound to face inconvenience while undertaking journey from Vishrampur, a remote area of the State to District – Durg, which is about

450 kms away. Leaving behind her young son aged 10 years would be equally a matter of concern and consideration for the mother as she is stated to be residing with her old aged parents and her father is stated to be a retired colliery employee. Mere fact that the wife is getting some maintenance amount or litigation expenses, that by itself, is not sufficient to relieve her of inconvenience in undertaking journey from Vishrampur to attend the Court proceedings at Family Court, Durg. Therefore, it would be for a better convenience of the wife if the case is transferred from Durg to **Surajpur**.

6. In the result, this petition is allowed. It is directed that the divorce petition filed by the respondent and registered as Civil Suit No.437 A/2015 pending in the Family Court, Durg shall stand transferred to the records and file of Family Court, **Surajpur**."

3. A copy of this order be sent to Family Court, Surajpur.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge