

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No. 67 OF 2016**

Smt. Tripti @ Subi Dabu W/o Shri Jayant Kr. Dabu age about 30 years R/o
Quarter No.20/2 South Vasundhara Nagar Bhilai-3 District Durg (CG)

---- Petitioner

Versus

Jayant Kumar Dabu S/o Shri S.G. Dabu age about 34 years R/o Kailash Nagar
Rajnandgaon Tah. & Dist. Rajnandgaon (CG)

---- Respondent

For Petitioner	:	Mr. Rudranath Mukherjee, Advocate
For Respondent	:	Mr. Aditya Bhardwaj, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****05/07/2017**

1. This is a petition filed by the petitioner/wife- Smt. Tripti @ Subi Dabu under Section 24 of the Code of Civil Procedure, 1908 for transfer of Civil Suit No. 96-A of 2015 registered under Section 13 of the Hindu Marriage Act pending before the Family Court, Rajnandgaon to the Family Court, Durg.

2. Mr. Rudranath Mukherjee, learned counsel for the petitioner submits that the petitioner/wife is suffering from ailment known as "Chorea", which is neurological disease. He further submits that the said disease causes involuntary movement of muscles and the treatment of this disease is still going on, therefore, it is highly inconvenient for the petitioner to travel from Bhilai to Rajnandgaon on each and every date of hearing. He further submits that the petitioner's father has already been passed away and her mother is old aged

lady. He lastly submits that under such circumstances, the divorce petition filed by the respondent/husband under Section 13 of the Hindu Marriage Act, registered as Civil Suit No.96-A of 2015 at Family Court, Rajnandgaon may be transferred to the Family Court, Durg.

3. On the other hand, Mr. Aditya Bhardwaj, learned counsel for the respondent/husband has opposed the said prayer and submits that the distance from Durg to Rajnandgaon is very short, therefore, this transfer petition deserves to be rejected.

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 aged mother as also the fact that she is suffering from disease known as "Chorea" and under such circumstances, her convenience are required to be taken into consideration particularly when the divorce petition was filed by the respondent/husband 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 case, bearing Civil Suit No.96-A of 2015 filed by the respondent/husband before the Family Court, Rajnandgaon to the Family Court, Durg.

5. Consequently, the petition is allowed. The said case bearing Civil Suit No. 96-A of 2015 (*Jayant Kumar Dabu v. Smt. Tripti @ Subi Dabu*), instituted by the respondent/husband pending before the Family Court, Rajnandgaon shall stand transferred to the Family Court, Durg. The Family Court, Rajnandgaon is, thus, directed to send the record of the case to the Family Court, Durg forthwith. Parties are directed to appear before the Family Court, Durg on 9.8.2017.

6. There shall be no order as to costs.

Sd/-
(Sanjay Agrawal)
Judge