

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 76 of 2016

- Smt. Neeta Dande W/o Shri Rupesh Kumar Dande, Aged About 31 Years R/o Kawardha Road Infront Of Shri Dhanpatlal Petrol Pump, Mungeli, Police Station Mungeli, Tahsil & District Mungeli, Chhattisgarh

---- Petitioner

Versus

- Rupesh Kumar Dande S/o Shri Radheshyam Dande, Aged About 34 Years R/o Ward No.3 Main Road Gogaon, Police Station Gudhiyari, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Devesh G. Kela, Advocate.
For Respondent	:	Shri D.N. Prajapati, Advocate.

Hon'ble Shri Pritinker Diwaker, Ag. Chief Justice

Order On Board

27/02/2017

With the consent of the parties, the matter is heard finally.

02. The petitioner/wife has filed this application under Section 24 of Code of Civil Procedure for transfer of divorce petition bearing Case No.496/2016, Rupesh Kumar Dande Vs. Smt. Neeta Dande, from the Court of Principal Judge, Family Court, Raipur to the Court of Additional District Judge, Mungeli.

03. According to the petitioner/wife, her marriage was solemnized with the respondent on 15.5.2015 as per Hindu rites and rituals. However, as some dispute cropped up between the parties, the respondent filed a petition under Section 13(1)(a) of Hindu Marriage Act for dissolution of marriage before the Family Court, Raipur, which was registered as Case No.496/2016. The respondent is the Dy. Superintendent of Police and is posted at Bagbahara, Distt. Mahasamund. She has stated that after receipt of notice from the

Family Court, Raipur when she went to appear before the Court, the respondent threatened her of life, as a result of which she got very scared. She has further averred in this petition that her father on account of old age and certain other physical ailments is not in a position to accompany her to Raipur at the time of hearing of the case. She has therefore prayed for transfer of the said case from the Family Court, Raipur to Mungeli.

04. On the other hand, counsel appearing for the respondent has opposed the petition.

05. Having regard to the facts and circumstances of the case, in particular the fact that the petitioner, who is a lady, has to travel a long distance of more than 135 km all alone to attend the case at Raipur, in view of judgments of the Hon'ble Apex Court in the matters of ***Amita Shah Vs. Virendra Lal Shah, (2003) 10 SCC 609 and Simi Mehrotra Vs. Anil Mehrotra, (2002) 10 SCC 70***, the transfer petition is allowed.

06. Consequently, Case No.496/16, Rupesh Kumar Dande Vs. Smt. Neeta Dande, pending before the Principal Judge, Family Court, Raipur is hereby withdrawn and transferred to the Court of Additional District Judge, Mungeli.

Parties to appear before the Additional District Judge, Mungeli on 31st March, 2017. In case the respondent fails to appear on the said date, the Additional District Judge, Mungeli shall issue notice to him informing him about the next date.

Sd/

(Pritinker Diwaker)

Ag. Chief Justice