

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 82 of 2016**

- Smt. Apurwa Dewangan W/o Shri Nawal Kishor Dewangan, Aged About 25 Years D/o Shri Ramnarayan Dewangan, R/o Through C/o Shri Ramnarayan Dewangan In Front Of Jalaram Sweets, Above Dena Bank A T M Indira Market Durg Tehsil And District Durg, Chhattisgarh

---- **Petitioner****Versus**

- Nawal Kishor Dewangan S/o Shri Ramgopal Dewangan, Aged About 33 Years R/o Shop No. 205, Second Floor Samta Shopping Market In Front Of Axis Bank Main Road Samta Colony Raipur Tehsil And District Raipur, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Avinash Chand Sahu, Advocate.
For Respondent	:	Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****27/04/2017**

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 Case No. 557/2015 filed by the respondent before the Family Court, Raipur, to the Family Court, Durg.

3. Shri Avinash Chand Sahu, learned counsel appearing for the petitioner/wife would submit that the petitioner had filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court at Durg and since the petitioner is a lady having a minor child of two years, who is suffering from diseases as well, therefore, it is highly inconvenient for the petitioner to travel from Durg to Raipur on each and every date of hearing. Mr. Sahu would submit further that under such circumstances, the divorce petition filed by the respondent under Section 13 of the Hindu Marriage Act, registered as Case No.557/2015 at Family Court, Raipur, may be transferred to the Family Court, Durg.

4. On the other hand, Shri Arvind Shrivastava, learned counsel for the respondent/husband has not opposed the said prayer and submits that he has no objection if the said Case No. 557/2015 is transferred to the Family Court at Durg.

5. Having considered the aforesaid facts and circumstances of the case and particularly with regard to the fact that the petitioner has a two years old minor child and that she has also filed application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the Family Court, Durg, therefore, this Court thinks it appropriate that it is not convenient for her to travel upto Raipur to attend the Court on each and every occasion.

6. In view of the aforesaid facts and circumstances of the case, it would be in the interest of parties to transfer the said Case No. 557/2015 (preferred by the respondent) pending before the Family Court, Raipur to the Family Court, Durg. The application is, therefore, allowed. The said Case No. 557/2015 (preferred by the respondent) pending before the Family Court, Raipur shall stand transferred to the Family Court, Durg. The Family Court, Raipur 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 30th June, 2017. The Family Court, Durg is hereby directed to hear all the matters together, pending between them.

7. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
Judge