

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 19 of 2015

1. Smt. Mamta Chandra W/o Nand Kumar Chandra Aged About 38 Years R/o Kansa, Turkapali, Police Station And Tahsil Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh, Presently At Geeta Nagar, House No. 720, Near Mahaveer Offset, Raipur, Chhattisgarh
2. Minor Chetna S/o Nand Kumar Chandra Aged About 9 Years Minor, Through Natural Guardian Mother Mamta W/o. Nand Kumar Chandra, Aged 38 Years, R/o Kansa, Turkapali, Police Station And Tahsil Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh, Presently At Geeta Nagar, House No. 720, Near Mahaveer Offset, Raipur, Chhattisgarh
3. Minor Aditi D/o Nand Kumar Chandra Aged About 4 Years Minor, Through Natural Guardian Mother Mamta W/o. Nand Kumar Chandra, Aged 38 Years, R/o Kansa, Turkapali, Police Station And Tahsil Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh, Presently At Geeta Nagar, House No. 720, Near Mahaveer Offset, Raipur, Chhattisgarh

--- **Petitioners**

Versus

1. Nandkumar, S/o Jagannath Aged About 40 Years Caste-Chandra, R/o Village Kansa, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
2. Sahodara Bai W/o Nand Kumar Aged About 31 Years Caste-Chandra, R/o Village Hardidih, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
3. Vishnu Chandra S/o Sevakram Aged About 52 Years Caste-Chandra, R/o Village Hardidih, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
4. Kalavati Chandra W/o Vishnu Aged About 50 Years Caste-Chandra, R/o Village Hardidih, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
5. Jawahit Chandra S/o Domlal Aged About 50 Years Caste-Chandra, R/o Village Katekonibade, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
6. Satya Narayan Chandra S/o Banshidhar Aged About 45 Years Caste-Chandra, R/o Village Kosir, Sarangarh, Civil And Revenue District Raigarh, Chhattisgarh --- **Respondents**

For the Petitioners	:	Mr. Y.C. Sharma, Advocate
For the respondents	:	Mr. Manoj Jaiswal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2017

1. The instant petition has been filed by the wife and children for transfer of M.J.C. No.16 of 2012 (Mamta & others Vs. Nandkumar and others) which is pending before the Judicial Magistrate, Class-I, Dabhra, Distt. Janjgir Champa to the court of JMFC, Raipur.
2. Respondents 1 to 6 though have been served but except respondent no.2, the other respondents have chosen not to appear. The instant transfer petition is by the wife and two minor children. It is contended by the petitioner that an application u/s 12 of the Domestic Violence Act, 2005 was filed before the Judicial Magistrate Class-I, Dabhra wherein it was alleged that because of domestic violence attributed to the petitioners, they were constrained to leave the place of matrimonial house and initially the respondent husband was residing at Raipur but subsequently he came to village Kharsia and started working in the Society and eventually, he was terminated from service for committing certain defalcation. It is stated that since the respondent has been terminated from service as such he demanded certain money from the applicant and in the alternative stated that if the money is not paid, he will marry again. Thereafter on 28.04.2012 he performed marriage with one Sahodara Bai who is non-applicant no.2 herein. It is stated that after 28.04.2012, the applicants were evicted from their home and

eventually when the domestic violence committed, a complaint was filed before the JMFC, Dabra.

3. Learned counsel for the applicants submits that under constraint the applicants are now residing at Raipur with her two minor children and it is extremely difficult to travel to Dabhra, Distt. Janjgir Champa which is 200 Kms., away from Raipur. Therefore, under the circumstances the applicants prays that the case which is pending before the JMFC, Dabhra, may be transferred to the Court of Raipur where another case is pending before the Family Court (Raipur). Except respondent No.2, no one has represented on behalf of other respondents despite service of notice.
4. A perusal of the documents would show that another case is pending before the Family Court, Raipur between petitioner and husband Nandkumar. In absence of any representation on behalf of husband and other respondents and on the fact which projected by the petitioners that they are facing hardship to travel to the court of JMFC, Dabhra from time to time as also the fact that the applicants is wife and minor children, it can be very well presumed that the hardship can always be meted out while coming to the place where the complaint is pending. It also appears that another case is pending between the husband and wife before the family court, Raipur.
5. Considering the fact that the applicant is lady and is getting on with two minor children, I deem it proper to order for transfer of MJC No.16/2012 (Mamta and others Vs. Nand Kumar and others) pending before the JMFC, Dabhra, District Janjgir Champa to the Court of JMFC, Raipur. Accordingly,

this petition is allowed and M.J.C.No.16 of 2012 (Mamta and others Vs. Nandkumar and others) is transferred to the Court of JMFC, Raipur.

6. The parties shall appear before the JMFC, Raipur on 28.08.2017.

Sd/-
GOUTAM BHADURI
JUDGE