

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 50 of 2016

Smt. Indu Dewangan, W/o. Sunil Kumar Dewangan, Aged About 26 Years,
Through Father Shri Santosh Kumar Dewangan, R/o. Near Kostha Talab,
Gayanagar, Durg, Tahsil & District Durg, Chhattisgarh

---- Petitioner

Versus

Sunil Kumar Dewangan, S/o. Girish Kumar Dewangan, Aged About 30
Years, Occupation Service, R/o. Near Gole Chowk, Sector 1, D.D. Nagar,
Raipur, Police Station D.D.Nagar, District Raipur, Chhattisgarh

---- Respondent

For Petitioner : Mr. H.B.Agrawal, Sr. Advocate with Mrs.
Prabha Sharma, Advocate

For Respondent : Mr. D.K.Gwalre, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.10.2018

1. The present petition is filed by the wife for transfer of a matrimonial case bearing No.244/2016 pending before the Family Court, Raipur to the Family Court, Durg.
2. Learned counsel for the petitioner submits that the wife/petitioner resides at Durg and she has filed the matrimonial case under Section 125 of Cr.P.C. before the Family Court Durg whereas the husband has filed an application under Section 13 of the Hindu Marriage Act, which is pending before the Family Court Raipur. He therefore submits that the case may be transferred from Raipur to Durg as no prejudice would be caused to the husband/ respondent and it is only 40 km away.

3. Learned counsel appearing for the respondent opposes the same and would submit that the settlement is going on in between the parties.
4. Considering the nature of the case and the submission made and further taking into fact that always the convenience of the wife has to be considered and no prejudice would be caused to the husband if the case is transferred to the Family Court Durg from Family Court Raipur as one case is already pending under Section 125 of Cr.P.C. which the husband is contesting. In view of this, it is directed that the case filed by the husband, which is bearing No.244/2016 pending before the Family Court Raipur is directed to be transferred to the Family Court Durg.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Durg on 12th November, 2018.

Sd/-
(Goutam Bhaduri)
Judge