

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 7 of 2018**

Shivani Gupta W/o Lavkush Gupta, Aged about 27 years, R/o Rajkisho Nagar,
Tulsi Awas 2/37, Bilaspur, Tehsil and District- Bilaspur (C.G.).

---- **Applicant**

Versus

Lavkush Gupta S/o Dilip Gupta, Aged about 30 years, R/o Arihant Shri Vatika,
House No. 4, Rudri Road, Dhamtari, Tehsil and District- Dhamtari (C.G.).

---- **Respondent**

For Applicant	:	Mr. Vikash Shrivastava, Advocate
For Respondent	:	Mr. Ajay Kumar Chandra, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/05/2018

1. With the consent of the parties, the matter is heard finally.
2. This petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the applicant praying for transfer of Civil Suit No. 93-A/2017 pending before the Family Court, Dhamtari to the Family Court, Bilaspur on the ground that she being a lady is unable to travel from Bilaspur to Dhamtari frequently, which is around 200 K.M.
3. The respondent filed an application under Section 121 (C) of the Hindu Marriage Act, 1955 before the Family Court Dhamtari alleging that the applicant had mental disorder and by suppressing this fact, she had married with the respondent. The case is pending as Civil Suit No. 93-

A/2017.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is residing with his mother in grandmother's residence. The father of the applicant had left them almost 25 years ago since then they are residing in her grandmother's residence. He further submits that the applicant is a poor lady, the distance from Dhamtari to Bilaspur is around 200 K.m and there is no direct train route for Dhamtari. The applicant will have to travel from Bilaspur to Raipur by train and thereafter will have to reach Dhamtari by road with the help of public transport on the same day and there is no possibility for the applicant to return to the Bilaspur on the same day, therefore, he prays for transfer of Civil Suit No. 93-A/2017.
5. On the other hand, learned counsel for the respondent has opposed the arguments advanced on behalf of the applicant and submitted that the application for transfer of the Civil Suit may be dismissed.
6. Having considered the facts and circumstances of the case, particularly, the fact that the distance from Dhamtari to Bilaspur is about 200 kms and the applicant being a lady will face difficulty to attend each and every date of hearing, I am of the opinion that there would no difficulty for the respondent to appear before the Court at Bilaspur, but the applicant, being a lady, would not be at ease to appear before the Court at Dhamtari.
7. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 93-A/2017 pending before the Family Court, Dhamtari be

transferred to the Family Court, Bilaspur for its hearing and disposal in accordance with law. The said transfer shall be made effective before 04/07/2018. The parties shall now appear before the Family Court, Bilaspur on 12/07/2018. It is further directed that the civil suit shall be decided as early as possible, preferably within a period of six months.

8. No order as to cost.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul