

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P.(C) No. 67 of 2017**

Smt. Priti Miraniya, W/o. Sanjay Miraniya, D/o. Late Prem Pratap Chandra & Anita Chandra, Aged About 28 Years, R/o. House No. L.I.G.-6, BDA Colony, Nutan Chowk Sarkanda, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

Sanjay Kumar Miraniya, S/o. Shri Bhim Kumar Miraniya, Aged About 39 Years, Occupation Lecturer, Kirodimal Institute Of Technology Raigarh, R/o. Gauri Shankar Mandir Chowk Raigarh, Tahsil & District Raigarh, Chhattisgarh

---- Respondent

For Petitioner : Mr. Rajesh Kumar Sharma, Advocate

For Respondent : Mr. Chakresh Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28.09.2018**

1. The present petition is filed by the wife for transfer of a case under Section 13(1)(i-A) of the Hindu Marriage Act pending before the Family Court, Raigarh to the Family Court Bilaspur.
2. It is contended that the petitioner/ wife is resident of Bilaspur and the case has been filed by the husband at Family Court Raigarh and the petitioner/ wife has 15 months old child and the father is no more, as such, it is extremely difficult for her to travel from Bilaspur to Raigarh. It is further contended that the application under Section 125 of Cr.P.C. has been filed by the wife before the Family Court Bilaspur and no prejudice would be caused to the husband if the case is adjudicated at Family Court Bilaspur and is transferred to such Court.

3. Learned counsel appearing for the respondent vehemently opposes the same.
4. Perused the documents filed along-with this petition. Perusal of the documents would show that the husband/ respondent has filed an application under Section 13(1)(i-A) of the Hindu Marriage Act, which is pending before the Family Court Raigarh. The record also shows that the wife and minor child who was shown to be four months old have filed an application before the Family Court Bilaspur claiming relief under Section 125 of Cr.P.C. for maintenance. Considering the fact that one case is already pending before the Family Court Bilaspur and taking into fact that the minor child is with the wife/petitioner and nothing is on record to show that considerable maintenance has been granted to the wife, therefore, balancing the convenience of the parties, which leans in favour of the wife, as it is always the convenience of the wife has to be considered and given priority and further no prejudice would be caused to the husband if the case is transferred to the Family Court Bilaspur. Considering the same, it is directed that the case filed by the husband, which is bearing No.151-A/2017 pending before the Family Court Raigarh is directed to be transferred to the Family Court Bilaspur.
5. In view of the above, the petition is allowed. The parties are directed to remain present before the Family Court Bilaspur on 30th October, 2018.

Sd/-
(Goutam Bhaduri)
Judge