

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P.(C) No. 50 of 2017**

Smt. Bhawna Shukla, W/o. Ritesh Shukla, Aged About 27 Years, D/o. Dugesh Mishra, R/o. Street No. 4, Kududand, Bilaspur, Police Station Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

Ritesh Shukla, S/o. Late Kranti Kumar Shukla, Aged About 30 Years, R/o. Bazarpara, Pali, Police Station Pali, Tahsil Pali, District Korba, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Aditya Bhardwaj, Advocate

For Respondent : Mr. Neeraj Choubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06.09.2018**

1. The present petition is for transfer a divorce case which is pending before the Family Court Katghora to Family Court Bilaspur. The instant petition is by wife.
2. It is contended that three other cases are pending i.e. case of domestic violence, criminal case under Section 498 of I.P.C. and maintenance petition under Section 125 of Cr.P.C. at Bilaspur and the wife resides at Bilaspur. It is stated it is inconvenient for her to travel to Katghora, which is 75 Km away as against the husband; therefore, the case may be transferred before the Family Court Bilaspur.
3. Learned counsel for the respondent vehemently opposes the same and submits that out of the salary which the respondent husband is getting of Rs.18000/-, an amount of Rs.8000/- is paid

to the wife as maintenance and further husband was subject to assault at Bilaspur since the entire family members of the wife are residing at Bilaspur. It is further submitted that the mother of the respondent/ husband is aged and it is difficult for him to leave her alone at Pali to attend the case at Bilaspur.

4. Perused the documents and the reply filed. The distance from Katghora to Bilaspur, as has been stated, is about 75 Km. Therefore, evaluating and balancing the convenience, as convenience of the wife is being given weightage, the distance of 75 Km cannot be prejudicial for husband to travel as compared against the wife, a lady. Furthermore, three cases, as has been stated, are pending at different Court at Bilaspur, therefore, considering the convenient of the wife, the case pending before the Family Court Katghora is directed to be transferred to the Family Court Bilaspur.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Bilaspur on 10th October, 2018.

Sd/-
(Goutam Bhaduri)
Judge