

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 10 of 2018**

Smt. Parishma Bano D/o Mohammad Ashraf Mokati, aged about 27 years R/o Main Road, Near State Bank, Keshkal, District- Kondagaon, Chhattisgarh.

---- Applicant**Versus**

Mohammad Aslam, S/o Mohammad Ashraf, aged about 30 years, R/o Rani Road Purani Basti, Police Station City Kotwali Korba, Tehsil and District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. UKS Chandel, Advocate
For Respondent	:	Mr. Awadh Tripathi, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**24/04/2018**

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. 97-A/2017 pending before the Family Court, Korba (C.G.) to the Family Court, Kanker on the ground that she being a lady is unable to travel from Korba to Kanker frequently, which is around 400 K.M.
3. Learned counsel appearing on behalf of the applicant submits that the marriage between the parties was solemnized on 26/04/2010. After some time, the respondent and his family started cruelty, harrasment

and demanded dowry, due to which, the applicant has been residing separately with his father and son at Keshkal since 2014. He further submitted that respondent filed an application under Section 103 of Muslim Marriage Act, before the Family Court Korba, which has been registered as Civil Suit No. 97-A/2017. It is further submitted that the applicant is a lady, living with her father and 6 years son at Keshkal, which is around 400 Km far from Korba, therefore, it is very difficult for the applicant to attend each and every date of case before the Family Court, Korba. Her son is the student of UKG studying at Keshkal and except her father, there is no body to take care of her son, therefore, Civil Suit No. 97-A/2017 pending before the Family Court, Korba may be transferred to the Family Court, Kanker.

4. 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.
5. Having considered the facts and circumstances of the case, particularly, the fact that the distance from Kanker to Korba is about 400 kms and the applicant being a lady having 6 years son 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 Kanker, but the applicant, being a lady, would not be at ease to appear before the Court at Korba.
6. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 97-A/2017 pending before the Family Court, Korba be transferred to the Family Court, Kanker for its hearing and disposal in

accordance with law. The said transfer shall be made effective before 02/07/2018. The parties shall now appear before the Family Court, Kanker 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.

7. No order as to cost.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul