

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 10 of 2017

Smt. Asharani Dey, W/o. Depankar Dey, Aged About 35 Years, C/o. Ashok Kumar Gaaen, Polytechnic College, Near Old Central School Building, Dantewada, District Dantewada, Chhattisgarh

---- Petitioner

Versus

Dipanker Dey, S/o. Late Nand Kumar Dey, Aged About 41 Years, R/o. LIG-88, Aamdi Nagar, Hudco, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Shrawan Agrawal, Advocate

For Respondent : Mr. Purnendra Khichariya, Advocate on behalf
of Mr. S.K.Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.09.2018

1. The present petition is for transfer of matrimonial case bearing Civil Case No.711/2015 (*Dipankar Dey v. Smt. Aasharani Dey*) from Family Court Durg to Dantewada.
2. It is contended that the petitioner/ wife is resident of Dantewada and it is extremely difficult for her to travel from Dantewada to Durg; therefore, considering the convenience of the wife to defend her case properly, the pending case may be transferred to District Judge Dantewada having jurisdiction to try the cases of matrimonial dispute.
3. Learned counsel appearing for the respondent pleads no instruction.
4. Perusal of the document attached with this petition shows that the husband/respondent has filed an application for divorce under

Section 13(A) of Hindu Marriage Act, which is pending adjudication before the Family Court Durg. In the application, the address of the respondent/ petitioner herein shows that she is resident of Dantewada, South Bastar and as has been stated it is 450 Km away from the Durg Court.

5. Considering the fact that the wife/petitioner is resident of Dantewada and the distance as has been stated is 450 Km, therefore, evaluating the convenience of the wife and the fact as has been submitted that one petition for recovery proceeding is already pending before the Dantewada Court, it is directed that the case pending before the Family Court Durg bearing Civil Case No.711/2015 be transferred to the Court of District Judge Dantewada having jurisdiction to try the matrimonial dispute.
6. In view of the above, the petition is allowed. The parties shall appear before the District Judge Dantewada on 12th October, 2018.

Sd/-
(Goutam Bhaduri)
Judge