

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 57 of 2017**

- Smt. Gayatri Sahu W/o Bhuvneshwar Sahu, Aged About 29 Years R/o House No. 7/ B, Sadak 13, Sector-7, Bhilai Nagar, District Durg, Chhattisgarh

---- Petitioner**Versus**

- Bhuvneshwar Prasad Sahu S/o Vedram Sahu, Aged About 30 Years R/o Qtr. No. 397-B, N.T.P.C. Colony Seepat, Police Station Seepat, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Shri T.K. Jha, Advocate
None for the respondent despite service of notice.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/09/2018**

1. Heard.
2. The present petition is preferred for transfer of a matrimonial case filed by the husband under Section 9 of the Hindu Marriage Act, bearing No.460-A/17, which is pending before the Family Court, Bilaspur and prayer has been made to transfer this case at Family Court, Durg.
3. Learned counsel for the petitioner submits that the wife has already filed two cases at the earlier point to time under Sections 125 Cr.P.C. and under Section 12 of the Domestic Violence Act, which are pending before the Family Court,

Durg. It is further submitted that the wife is suffering with certain ailments and it is extremely difficult for her to travel all the time from Durg to Bilaspur and no prejudice would be caused to the husband if the case filed under Section 9 of the Hindu Marriage Act, is transferred to the Family Court, Durg, therefore, the case may be transferred to the Family Court, Durg.

4. No representation is made by the respondent despite service of notice.
5. Considering the background and the factual aspect of the case, in the opinion of this Court, no prejudice would be caused to the husband if the case is transferred to the Family Court, Durg, as it is always the convenience of the wife has to be considered and is to be given a priority. Accordingly, the case filed by the respondent namely Bhuvneshwar Prasad Sahu before the Family Court, Bilaspur bearing No.460-A/17 is directed to be transferred to the Family Court, Durg. The parties are directed to appear before the Family Court, Durg on 15th of November, 2018 and if the respondent/husband fails to appear, the Family Court, Durg shall issue notice to the respondent/husband for his appearance.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu