

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 72 of 2017

Smt. Brihaspati Rai, W/o. Shri Roshan Kumar Rai, D/o. Sartyanarayan Rai, Aged About 28 Years, R/o. Village Kevtara, P.S. Pachpedi, District Bilaspur, Chhattisgarh, At Present R/o. In Front Of Ashish Enterprises Mahabir Colony, Mangla Chowk, P.S. Civil Line, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

Roshan Kumar Rai, S/o. Jitendranath Rai, Aged About 29 Years, R/o. Village Sirkotanga, P.S. Lakhanpur, Tahsil Lakhanpur, District Sarguja, Chhattisgarh

---- Respondent

For Petitioner : Mr. Sanjay Patel, Advocate

For Respondent : Mr. Nishikant Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.10.2018

Heard

1. The present petition is preferred by the wife for transfer of a matrimonial case bearing No.163-A/2017 filed by the husband/ respondent, which is pending before the Family Court, Ambikapur to the Family Court, Bilaspur.
2. It is contended that the wife has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal right, which was decreed and further it is stated that it is very difficult for the wife/petitioner to travel altogether alone from Bilaspur to Ambikapur as over night stay has to be made. It is further submitted that no prejudice would be caused if the case is transferred from Family Court Ambikapur to Family Court Bilaspur

as it would not be inconvenient to the husband being male to travel.

3. Learned counsel appearing for the respondent opposes the same and would submit that the petitioner can very well attend the Court at Ambikapur.
4. Perused the documents. Prayer has been made to transfer the case under Section 13 of the Hindu Marriage Act instituted by the husband for divorce from Family Court Ambikapur to Family Court Bilaspur. Perusal of the petition would show that the wife is shown to be permanent resident of Bilaspur. This fact cannot be denied that traveling alone from Bilaspur to Ambikapur may be difficult and inconvenient looking to the other ancillary problems for the lady. It is always the convenience of the wife is to be considered. Considering the same and taking into the fact that no prejudice would be caused to the husband if the case is transferred, it is directed that the case bearing No.163-A/2017 pending before the Family Court Ambikapur, which is instituted by the husband, is 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 15th November, 2018.

Sd/-
(Goutam Bhaduri)
Judge