

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 12 of 2018**

- Smt. Jyoti Ramteke W/o Shri Dinesh Kumar Ramteke Aged About 33 Years D/o Shri Gyani Ram Walde, R/o J- 592, Janata Colony, Kumbhare Chowk, Gudhiyari, Raipur, District- Raipur, Chhattisgarh.(Non- Applicant)

---- Petitioner**Versus**

- Dinesh Kumar Ramteke S/o Late Fatturam Aged About 41 Years Occupation Service, R/o Near Goga Rice Mill, Raigarh, Tahsil And District- Raigarh, Chhattisgarh.(Applicant)

---- Respondent

For Petitioner : Shri PK Patel, Advocate
None for the respondent, though served.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/08/2018**

1. Heard.
2. The present petition is for transfer of civil suit filed by the respondent under Section 9 of the Hindu Marriage Act from the Family Court Raigarh to the Family Court Raipur.
3. It is contended that the petitioner/wife is a resident of Raipur and she has also filed an application under Section 125 of the Hindu Marriage Act, which is pending adjudication before the Court of Raipur. It is stated that the petitioner being the wife is unable to travel to Raigarh which is more than 200 kms and

she is also prosecuting her case at Raipur, therefore, the petition for Restitution of Conjugal Rights may be transferred to the Family Court Raipur.

4. Despite service of notice, no representation is made by the husband/respondent.
5. Perusal of the document shows that one petition has been filed by the husband under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights at Raigarh and Annexure P-2 shows that a case before First Additional Principal Judge, Family Court, Raipur filed by the wife for maintenance is pending bearing case No.485/17. In the circumstances of this case, since the wife is prosecuting her case at Raipur under Section 125 of the Hindu Marriage Act, therefore, taking into consideration the convenience of the wife, it is directed that civil suit No.86-A/2017 pending before the Family Court, Raigarh, shall stand transferred to the Court of Family Court Raipur wherein the petition under Section 125 of the Hindu Marriage Act filed by the wife/petitioner is pending adjudication.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu