

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 20 of 2018

Tarun Kumar Bafna, S/o. Chhagan Lal Bafna, Aged About 27 Years, R/o. Ganjline, Tarun Trading Company, Rajnandgaon Ward No.26, Tahsil & District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

Smt. Chandani @ Jivika, W/o. Shri Tarun Kumar Bafna, Aged About 26 Years, D/o. Shri Nilamchand Sancheti, Caste Jain, R/o. Nagari, Tahsil Nagari, District Dhamtari, Chhattisgarh

---- Respondent

For Petitioner : Mr. Aditya Bhardwaj, Advocate

For Respondent : Mr. Praveen Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.09.2018

1. The present petition is for transfer of a divorce petition filed under Section 13 of the Hindu Marriage Act from the Family Court Dhamtari to Family Court Kanker.
2. It is contended that the petitioner/ husband and respondent/ wife are married on 13.07.2016. Subsequently, the marriage could not go along and they started living separately and initially an application under Section 9 of the Hindu Marriage Act for restitution of conjugal right was filed by the husband before the Family Court Rajnandgaon. The wife had filed a transfer petition before this High Court bearing T.P.(C) No.69 of 2017 wherein by an order dated 22.02.2018 both the parties agreed that the matrimonial case may be transferred and heard by the Family Court Kanker and accordingly the matrimonial case No.49-A/2017

was transferred from Family Court Rajnandgaon to Family Court Kanker.

3. Now the instant petition has been filed by the husband making a prayer to transfer the divorce case filed by the wife at Family Court Dhamtari to the Family Court Kanker as one matrimonial case is already pending adjudication before the Family Court Kanker.
4. Perused the earlier order dated 22.02.2018 passed by the co-ordinate Bench of this High Court in T.P.(C) No.69/2017 wherein the application under Section 9 of the Hindu Marriage Act filed by the husband is transferred to the Family Court Kanker. Since the parties are same i.e. husband & wife and wife has filed an application under Section 13 of Hindu Marriage Act. In view of the background of the transfer of earlier matrimonial case i.e. restitution of conjugal right, the instant petition, in the interest of justice, requires to be heard by the same Court, which is hearing the application under Section 9 of the Hindu Marriage Act for restitution of conjugal right. Consequently, the divorce petition pending before the Court of Dhamtari bearing No.51-A/2017 in between *Smt. Chandani @ Jivika v. Tarun Kumar Bafna* is also directed to be transferred to Family Court Kanker.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Kanker on 12th October, 2018.

Sd/-
(Goutam Bhaduri)
Judge