

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (C) No.35 of 2017

Smt. Priyanka Sharma, W/o Devendra Sharma, aged about 28 years, R/o Rear Radhakrishna Temple, Tifra, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

versus

Devendra, S/o Badri Narayan Sharma, aged about 30 years, R/o Village Gendpuri, Police Station City Kotwali, Kawardha, District Kabirdham, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Hemant Kesharwani, Advocate
For Respondent	:	None, though notice served

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

9.4.2018

1. The petition is listed for hearing on admission. Though notice has been served on the Respondent/husband, there is no representation on his behalf. The matter is heard and disposed of at the motion stage itself.
2. The instant transfer petition has been filed by the wife under Section 24 of the Code of Civil Procedure for transfer of Civil Suit No.50A of 2016 pending before the Family Court, Kabirdham (Kawardha) to the Family Court, Bilaspur on the ground that she is residing along with her old parents at Bilaspur and being a lady it is difficult for her to attend the proceedings of the Court at Kabirdham (Kawardha).
3. Learned Counsel appearing for the Petitioner/wife submits that the Petitioner is wife of the Respondent. Marriage between them took place at Bilaspur on 20.4.2014. Thereafter, they resided together at Village Gendpuri (Kabirdham) and out of their wedlock, one son, namely, Om Sharma has born on 31.12.2014. The

Respondent/husband is a member of Janpad Panchayat and he also runs a transport business. Due to cruel behaviour and demand of dowry by him, she left his house on 3.2.2015 and since then she is residing at her parental house at Bilaspur. She has filed an application under Section 125 of the Code of Criminal Procedure before the Family Court, Bilaspur on 13.10.2016. After receiving a notice, the Respondent/husband filed an application under Section 13(1)(a) of the Hindu Marriage Act before the Family Court, Kabirdham on 19.12.2016 for grant of divorce. After receiving a notice, she appeared before the Family Court, Kabirdham. Written submission has also been filed by her on 18.4.2017. It is further submitted that being a lady, she cannot travel from time to time to contest the case before the Family Court, Kabirdham because Kabirdham is 120 Kms. away from Bilaspur. Her parents have attained old age. She has no other person to accompany her during travel to Kabirdham. Therefore, it has been prayed that the civil suit filed by the Respondent/husband and pending before the Family Court, Kabirdham may be transferred to the Family Court, Bilaspur.

4. Though notice has been served on the Respondent/husband, there is no representation on his behalf.
5. I have heard Learned Counsel appearing for the Petitioner and perused the material available with due care.
6. Considering the facts and circumstances of the case, particularly, that the distance between Bilaspur to Kabirdham is 120 Kms., the Petitioner is a lady and is residing with her old parents at Bilaspur and that she has filed an application under Section 125 of the

Code of Criminal Procedure before the Family Court, Bilaspur, I am inclined to transfer the civil suit filed by the Respondent/husband and pending before the Family Court, Kabirdham to the Family Court, Bilaspur.

7. Resultantly, the instant transfer petition is allowed. Civil Suit No.50A of 2016 pending before the Family Court, Kabirdham is transferred to the Family Court, Bilaspur. The parties shall now appear before the Family Court, Bilaspur on 18th of May, 2018.
8. A copy of this order be sent to the Family Courts, Kabirdham and Bilaspur forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge