

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 41 of 2017

Smt. Anita Dumare W/o Shri Sanjay Dumare, Aged About 49 Years
R/o M I G- G1/100, Kabir Nagar, District Raipur, Tehsil, Civil &
Revenue District Raipur, Chhattisgarh. --- **Petitioner**

Versus

Sanjay Dumare S/o Shri Madhukar Soni Dumare, Aged About 50
Years R/o E W S 496, Vaishali Nagar, P.S. Supela, Bhilai, District
Durg, Chhattisgarh. --- **Respondent**

For Petitioner : Mr. Manoj Jaiswal, Advocates
For the respondent : Mr. Shikhar Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.08.2018

1. This is a petition by the wife for transfer of the matrimonial case pending before the family Court, Durg, instituted by the husband before the Family Court Raipur.
2. Learned counsel for the petitioner submits that the husband who has filed divorce petition in the family Court, Durg, has deserted the wife as also his parents, therefore, the mother and father of the husband are also residing along-with the petitioner at Raipur . It is contended that the petitioner wife is suffering from various ailments and in such condition, it would be extremely difficult for her to attend the Court at Durg where the matrimonial case is pending leaving the family members. It is, therefore, prayed that the instant petition may be transferred to the Family Court of Principal Judge, Raipur.

3. Counsel for the respondent vehemently opposes the same and submits that the distance between the Raipur and Durg is not much far, therefore, it will not cause any inconvenience to attend the Court once in a month, therefore, the petition may be dismissed.
4. A perusal of the document shows that the divorce petition was preferred by respondent against the wife. The document filed along-with the petition shows that the wife is suffering from spondylites and other ailments of vertebra. It settled proposition that while weighing the balance of convenience, the convenience of the wife must be looked at and the said proposition was laid down in *AIR 2009 SC 396*. Taking into consideration the fact that the distance between Durg and Raipur is not far off and vis a vis the convenience of the husband to come to the Raipur, it is directed that the matrimonial case bearing No.171/2017 pending before the Principal Judge, Family Court, Durg shall stand transferred to the Principal Judge, Family Court, Raipur. the parties shall remain present before the Principal Judge, Family Court Raipur on 20th September, 2018. Accordingly, the petition is disposed of.

Sd/-
(GOUTAM BHADURI)
JUDGE