

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 45 of 2017**

- Smt. Radhika @ Nanhi W/o Santosh Goyal, Aged About 26 Years R/o Behind Kesarwani Mangal Bhawan, Baloda bazar, District Balodabazar-Bhatapara, Chhattisgarh, At Present Shiv Kumar Palekar, Moti Sagar Para, Korba, P.S. Korba, District Korba, Chhattisgarh

---- Petitioner**Versus**

- Santosh Goyal S/o Shri Narad Ram Goyal, Aged About 28 Years R/o Behind Kesarwani Mangal Bhawan, Baloda bazar, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Surfraj Khan, Advocate
For Respondent	:	Shri Bharat Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/10/2018**

1. Heard.
2. The present petition has been filed for transfer of a case filed under Section 13 (1) of the Hindu Marriage Act by the husband before the District Judge, Baloda Bazar to Family Court Korba.
3. The instant petition has been filed by the wife. It is contended on behalf of the wife that the husband has preferred a petition for divorce which is pending adjudication before the District Judge, Baloda Bazar and the wife/petitioner is

residing at Korba with her parents. From Korba to Baloda Bazar there is no direct rail route connectivity and the petitioner has to change the buses and it is extremely difficult for her to travel altogether alone from Korba to Baloda Bazar along with a daughter of two years and learned counsel for the petitioner submits that no maintenance has been granted to the wife as such in order to facilitate the convenience of the wife, the case filed by the husband before the District Judge, Baloda Bazar may be transferred to Family Court, Korba.

4. Per contra, learned counsel for the respondent vehemently opposed the argument and submits that the case may be transferred to any other venue except Korba as there is threat exist on the husband that the family member of the petitioner/wife may assault him.
5. Perused the record. It appears that a petition has been preferred by the husband for divorce against the wife under Section 13 (1) of the Hindu Marriage Act before the District Judge, Baloda Bazar. In such petition the wife who is respondent therein is shown to be the resident of Korba. In absence of any proof, it would be difficult to hold that threat looms large on the husband to attend the Court at Korba. The document also shows that one more case is pending against the husband at Korba on the complaint of the wife/petitioner. It is always the convenience of the wife has to be considered and there is no document has been placed to show that the maintenance has been granted to the wife till date, therefore, considering the fact that the petitioner/wife has to travel with her child and there is no direct train connectivity in between Baloda Bazar and Korba, therefore, balancing the convenience of the parties, in the

opinion of this Court, no prejudice would be caused to the husband if the case bearing Civil Suit H.M.A. No.05A /2017 pending before the District Judge Baloda Bazar is directed to be transferred to the Family Court, Korba. The parties shall appear before the Family Court, Korba on 1st of December, 2018.

6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu