

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.70 of 2017**

Smt. Sarika Agrawal W/o Arpit Kumar Agrawal, Aged About 34 Years Present Address C/o Shri Basant Kumar Agrawal, Near Gopidas Temple, Purani Basti, Baniyapara, Raipur, Civil And Revenue District Raipur, Chhattisgarh, Chhattisgarh

---- Petitioner**Versus**

Arpit Kumar Agrawal S/o Shri Sushil Kumar Agrawal, Aged About 35 Years R/o Baigapara, Near Nilesch Electricals, Durg, Civil And Revenue District Durg, Chhattisgarh, Chhattisgarh

-----Respondent

For Petitioner:
For Respondent:

Shri Rajesh Kumar Tiwari, Advocate.
None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

26.07.2018

1. This Petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the Petitioner/wife seeking transfer of Case No.548/17 pending before the Principal Judge, Family Court, Durg to the Family Court, Raipur on the ground that she being a lady, is unable to move from one court to another.

2. Shri Rajesh Tiwari, learned Counsel for the Petitioner submits that on 17.04.2017, an application enumerated under Section 125 Cr.P.C has been filed by the Petitioner seeking grant of maintenance amount from her husband/Respondent. The said proceeding was registered as M.J.C No.235/2017 and immediately after sometime, an application enumerated under Section 13 of the Hindu Marriage Act has been filed by the Respondent/husband in the month of August, 2017 before the Principal Judge,

Family Court, Durg where the case has been registered as Case No.548/2017. According to Shri Tiwari, the Petitioner is a lady, aged about 35 years and is residing along with her parents at Raipur and being a lady, it would be very difficult for her to attend each and every date of hearing at Family Court, Durg. He further submits that her father is aged about 65 years, who is suffering from various ailments and therefore, he cannot accompany her to the Family Court, Durg. He therefore submits that in view of the said circumstances, it would be just and proper to transfer the said matter from Family Court, Durg to Family Court, Raipur.

3. Having considered the facts and circumstances of the case and that by considering the fact that the distance between the two places is very short and in absence of any legal ground, I am not inclined to transfer the said matter from the Principal Judge, Family Court, Durg to Family Court, Raipur as claimed by the Petitioner/wife.

4. Accordingly, the instant Transfer Petition being devoid of merits, is liable to be and is hereby dismissed. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE