

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 25 of 2018

Smt. Aasha Mashih, W/o. Aakhilesh Mashih, Aged About 28 Years, R/o. Through Dharendra Jasef, Nagar Panchayat Utai Ward No. 05, Tehsil & District Durg, Chhattisgarh, Mob. No. 9827063842

---- Petitioner

Versus

Aakhilesh Mashih, S/o. Subhash Chand Mashih, Aged About 31 Years, R/o. Dr. Rajendra Nagar Shiv Chowk, Near Water Tank Raipur, Tehsil & District Raipur, Chhattisgarh, Mob. No. 9926990124

---- Respondent

For Petitioner : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Yogesh Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.10.2018

1. The present petition is filed by the wife for transfer of a matrimonial proceeding pending before the Family Court, Raipur to the Family Court, Durg.
2. It is contended that the husband/respondent has filed an application for divorce before the Family Court, Raipur. It is contended that the wife/petitioner is permanent resident of village Utai, which falls in District Durg and she has a minor child and is also suffering with various disease. It is stated that under the circumstances, it is extremely difficult for her to travel to Raipur from village Utai along-with her minor child. It is further contended that no prejudice would be caused to the husband if the case is transferred to the Family Court Durg. It is stated by the counsel that the maintenance case was filed at Family Court Durg where despite the order, regular payment of maintenance has not been

paid by the husband. Therefore, under the circumstances, the case pending before the Family Court Raipur may be transferred to the Family Court, Durg.

3. Learned counsel for the respondent vehemently opposes the argument and would submit that the wife can very well attend the Court at Raipur.
4. Perused the documents attached with this petition. It appears that the husband has filed an application for divorce under Section 27 of Special Marriage Act against the wife, which is pending before the Family Court Raipur. The averments of petition show that the wife has minor child and it is extremely difficult for her to travel from village Utai to Raipur, which is near about 40 km. Considering the facts and circumstances, it is always the convenience of the wife is to be considered and no prejudice would be caused if the case filed by the husband which is pending before the Family Court Raipur is transferred to the Family Court Durg. In view of this, considering the condition of the wife, it is directed that the case bearing No.12/2017 pending before the Family Court, Raipur is transferred to the Family Court, Durg.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Raipur on 03rd December, 2018.

Sd/-
(Goutam Bhaduri)
Judge