

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 2 of 2018**

Smt. Aayushi Pareek D/o Prakash Pareek W/o Sumit Pareek, aged about 24 years, R/o Near Mother Pride School, Sunder Nagar, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

Sumit Pareek S/o Sudama Pareek, aged about 26 years, R/o Kanchanpur, Police Station and Tehsil Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajkumar Pali, Advocate
For Respondent	:	Mr. Abhyuday Singh, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**26/04/2018**

1. With the consent of the parties, the matter is heard finally.
2. This petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the applicant praying for transfer of Civil Suit No. 44-A/2017 pending before the Circuit Family Court Sakti, District- Janjgir-Champa (C.G.) to the Family Court, Raipur on the ground that she being a lady is unable to travel from Raipur to Sakti frequently, which is around 200 K.M.
3. Learned counsel appearing on behalf of the applicant submits that the marriage between the parties was solemnized on 24/11/2016. After

some time, the respondent and his parents were ill treating to the petitioner and further making demand of dowry. He further submits that in the month of May, the respondent/husband left the applicant in her relative house. The applicant's sister took the applicant at her home and till then she is residing in her parental house. The respondent filed an application under Section 9 of the Hindu marriage Act in the Circuit Family Court Sakti, District Janjgir-Champa for restitution of conjugal right. The petitioner has filed an application under Section 125 of Cr.P.C in the Family Court, Raipur. He further submits that the applicant is a lady and will face difficulty to travel 200 Km., on each every date of hearing at Sakti. There is no body in her house to accompany her. On the contrary, the respondent has a business of whole-sale who frequently come to Raipur in 2-3 months, therefore, he would not face any problem to go to Raipur, therefore, Civil Suit No. 44-A/2017 pending before the Circuit Family Court Sakti, District Janjgir-Chama may be transferred to the Family Court, Raipur.

4. On the other hand, learned counsel for the respondent has opposed the arguments advanced on behalf of the applicant and submits that the applicant is residing separately without reasonable cause. The application under Section 9 has been preferred by the husband/respondent firstly and if the husband/respondent goes to Raipur, he has treat of life, therefore, the transfer petition may be dismissed.
5. Having considered the facts and circumstances of the case, particularly, the fact that the distance from Sakti to Raipur is about 200

kms and the applicant being a lady will face difficulty to attend each and every date of hearing, I am of the opinion that there would no difficulty for the respondent to appear before the Court at Raipur, but the applicant, being a lady, would not be at ease to appear before the Court at Sakti.

6. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 44-A/2017 pending before the Circuit Family Court Sakti be transferred to the Family Court, Raipur for its hearing and disposal in accordance with law. The said transfer shall be made effective before 22/06/2018. The parties shall now appear before the Family Court, Bilaspur on 02/07/2018. It is further directed that the civil suit shall be decided as early as possible, preferably within a period of six months.

7. No order as to cost.

Sd/-

(Arvind Singh Chandel)
Judge