

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 32 of 2018**

- Smt. Sonali Namdev W/o Deepak Kumar Namdev Aged About 32 Years R/o Shiv Chowk Kisanpara, Gobra Navapara, Post Gobra Navapara, District Raipur, Chhattisgarh

---- Applicant**Versus**

- Deepak Kumar Namdev S/o B.R.Namdev Aged About 36 Years R/o Plot No. 781, Kamla Complex, Kosabadi, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri JK Gupta, Advocate
For Respondent	:	Shri Vikash Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/09/2018**

1. Heard.
2. The present petition is preferred for transfer of a matrimonial case filed by the husband/respondent which is pending before the Family Court, Korba to Family Court, Raipur.
3. It is contended on behalf of the applicant/wife that she resides at Gobra Navapara which is at a distance around 200 kms from Korba and also not directly connected by the rail route and she is having a baby of 9 months, therefore, it is extremely difficult for her to travel altogether from Gobra Navapara to Korba. It is further contended that the petition under Section 125

Cr.P.C. has also been filed by the wife, which is pending before the Family Court, Raipur, therefore, considering the convenience of the wife, the case bearing Civil Suit No.1A/18 may be transferred to Raipur as it is only 35 KMS away from Gobra Navapara.

4. Learned counsel for the respondent opposed the same and submits that threat was extended by the brothers of the applicant/wife, therefore, the case may be transferred to other venue i.e. Baloda Bazar or any other place.
5. At this stage, submission of the husband cannot be considered as a gospel truth. The case appears to have been filed before the Family Court, Korba. It is not disputed that the distance between Korba and Raipur is about 200 Kms and there is no direct rail route and it has also not been disputed that the applicant/wife is having a child of 9 months. In view of this, the inconvenience of wife cannot be ruled out. In the facts of this case, considering the convenience of the wife and the fact that she is having a child of 9 months and no prejudice would be caused to the husband if the case is transferred to the Court of Family Court, Raipur, therefore, it is directed that the Civil Suit No.1A/18 pending before the Family Court, Korba, filed by the husband Deepak Kumar Namdev against Smt. Sonali Namdev, the applicant herein, shall stand transferred to the Family Court Raipur. The parties shall appear before the Family Court, Raipur on 12th of November, 2018.
6. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Ashu