

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 68 of 2017**

Smt. Neema Sonber W/o Shri Bishnu Ram Sonber, aged about 30 years, R/o. 45/G, Rishali Sector, Bhilai, Tahsil & District- Durg (C.G.).

---- Applicant

Versus

Bishnu Ram Sonber S/o Khedu Ram Sonber, aged about 40 years, Qtr. No. Super E-646, CSEB Colony, Korba, District- Korba (C.G.), Permanent Resident of Bambhola Chowk, Tanki Maroda, P.S. Nevai, Tahsil and District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Chetan Kumar, Advocate
For Respondent	:	None though served.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/01/2018

1. 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. 142-A/2017 filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955, pending before Family Court, Korba to the Family Court, Durg on the ground that she being a lady is unable to travel from Bhilai to Korba frequently and the respondent is original resident of Bhilai.
2. Learned counsel appearing on behalf of the applicant submits that the marriage between the parties was solemnized at Bhilai, District- Durg

on 20/04/2006. Out of their wedlock, two children were born. After marriage, behavior of the respondent and his family turned harsh and ultimately on 29/04/2017, the petitioner has to file application under Section 12 of the Protection of Women from Domestic Violence Act before the Court of JMFC, Durg. Thereafter, in order to save himself, the respondent filed a Civil Suit No. 142-A/2017 under Section 9 of the Hindu Marriage Act, 1955 at Family Court, Korba. It is further submitted that at present, the respondent/husband is residing at Korba, but he is permanent and original resident of Bhilai, District-Durg. The petitioner resides with her father at Bhilai and it would be difficult for her to attend the case at Korba on each and every date leaving her two minor sons and would cost her huge expenses. Therefore, it is prayed that the civil suit may be transferred from Family Court, Korba to Family Court, Durg.

3. Having considering the facts and circumstances of the case, particularly, the fact that the petitioner is a lady and she has two minor children with her and one litigation between the parties is already pending with JMFC, Durg, I am inclined to transfer the Civil Suit No. 142-A/2017 from Family Court, Korba to Family Court, Durg.
4. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 142-A/2017 pending before the Family Court, Korba be transferred to the Family Court, Durg for its hearing and disposal in accordance with law. The said transfer shall be made effective before 20/02/2018. The parties shall now appear before the Family Court, Bilaspur on 28/02/2018. It is further directed that the civil suit shall be

decided as early as possible, preferably within a period of six months.

5. No order as to cost.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul