

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 42 of 2017

Sapan Kurre S/o Hetram Kurre, Aged About 33 Years Sapan Kurre Caste Satnami,
Occupation Service Teacher, R/o Purana Bus Stand Korba Thana & Tahsil Korba,
District Korba, Chhattisgarh. **---Petitioner**

Versus

Smt. Deepika Kurre W/o Sapan Kurre, Aged About 22 Years Caste Satnami, R/o
Purana Bus Stand Korba Thana & Tahsil Korba, District Korba, Chhattisgarh,
presently R/o Bhatgaon Thana Bhilaigarh Chowki Bhatgaon Tahsil Bhilaigarh
District Balodabazar-Bhatapara, Chhattisgarh. **--- Respondent**

For Petitioner : Mr. Manoj Jaiswal, Advocates
For the respondent : Mr. Shikhar Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.08.2018

1. This is a petition by the husband seeking transfer of M.J.C. No.64/2017 filed by the by the wife under section 125 of the Code of Criminal Procedure.
2. The instant petition is filed by the husband to transfer the proceedings instituted by the wife in Bhatgaon Court u/s 125 of Cr.P.C., to Korba. It is contended on behalf of the petitioner that the father of the petitioner is suffering from Paralysis and the distance between Korba and Bhatgaon is 145 Kms., and it causes much inconvenience to the husband, therefore, the case may be transferred to the Court at Korba.

3. Per contra, learned counsel for the respondent opposes the prayer.
4. The cause title would show that the respondent wife is residing at Bhatgaon. As has been argued by counsel for the petitioner, Korba and Bhatgaon are situated at a distance of 125 Kilometers and causes inconvenience to the husband. If such arguments are accepted, then more inconvenience would be caused to the wife if the case is transferred to the Court of Korba at the instance of the petitioner. The balance of convenience lies in favour of the wife to continue the proceedings at the Court of Bhatgaon where the petition u/s 125 of Cr.P.C., is pending. Therefore, I do not find any justification to transfer the case from the court of Bhatgaon to Korba on the application of husband as it is always the convenience of the wife to decide the fact.
5. The petition has no merit and is dismissed.

**Sd/-
(GOUTAM BHADURI)
JUDGE**