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HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 61 of 2017**

Smt. Ranu Jaiswal, aged about 24 years, W/o Dharmendra Kumar Jaiswal, D/o Jitendra Kumar Dadsena, R/o Ashok Vihar Colony, Phase-II, near the house of Durga Dewangan, Chantidih, P.S. Sarkanda, Tahsil & District- Bilaspur (C.G.)

---- Applicant**Versus**

Dharmendra Kumar Jaiswal aged 31 years, Teacher, R/o Village- Telimohtara, P.S. Lormi, Tahsil Lormi, District- Mungeli (C.G.), present address- Shikshak Panchayat Prabhari Pradhan Pathak Avam Sankul Prabhari, Govt. Primary High School, Sindurkhar, Pandariya, P.S. & Tahsil Pandariya, District- Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Ritesh Verma, Advocate
For Respondent	:	Mr. Utsav Mahiswar, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

16/05/2018

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. 12-A/2017 pending before the District Judge, Mungeli to the Family Court, Bilaspur on the ground that she being a lady is unable to travel from Bilaspur to Mungeli frequently, which is around 65 K.M.
3. Counsel for the applicant submits that the marriage between the applicant and respondent was solemnized on 21/05/2013. Thereafter she was residing with her in-laws at village- Telimohatra. The

respondent was posted at Pandariya and when the applicant asked to take her with him, the respondent always denied. After village meeting, the applicant was sent back to her parents by the respondent and thereafter, the applicant and the respondent are residing separately. He further submits that the applicant/wife had filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal right bearing Civil Suit No. 168-A/2017 on 23/03/2017 in the Family Court, Bilaspur. Thereafter, the respondent/husband filed an application under Section 13 (1) of the Hindu Marriage Act for decree of dissolution of marriage bearing registration no. Civil Suit No. 12-A/2017 before the District Judge, Mungeli. The applicant is lady residing with her father. The husband has filed the divorce petition only to harass the applicant/wife. Mungeli is 65 Km away from the Bilaspur where the respondent is residing. The applicant has no source of income. Since she has filed her application under Section 9 of the Act on 23/03/2017, thereafter, the husband filed an application under Section 13(1) of the Act on 12/07/2017, therefore, he prays for transfer of Civil Suit No. 12-A/2017 pending before the District judge, Mungeli to the Family Court, Bilaspur.

4. On the other hand, learned counsel for the respondent has opposed the arguments advanced on behalf of the applicant and submits that the distance from Bilaspur to Mungeli is only 65 Km and the working place of respondent is about 80 Km from his residence, therefore, the respondent have to travel 130 Km to come to Bilaspur which is difficult for the respondent. He further submits that as per order of the learned

trial Court i.e. District court of District Judge, Mungeli, the respondent/husband is paying the traveling expenses as well as the expenses for refreshment to the applicant/wife. Therefore, no inconvenience will be for the applicant to attend the proceeding at Mungeli.

5. Having considered the facts and circumstances of the case, particularly, the fact that the applicant is a lady dependent, residing with her father at Bilaspur, though as per order of trial Court of District Judge, Mungeli, she has got some traveling expenses as well as refreshment expenses, but considering the fact that she filed an application under Section 9 of the Act for restitution of conjugal right before the Family Court, Bilaspur thereafter, the husband/respondent filed the divorce petition at Mungeli, I am inclined to allow the present petition.
6. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 12-A/2017 pending before the District Judge, Mungeli be transferred to the Family Court, Bilaspur for its hearing and disposal in accordance with law. The said transfer shall be made effective before 04/07/2018. The parties shall now appear before the Family Court, Bilaspur on 12/07/2018. 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