

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 34 of 2018**

- Kashish Makhija @ Pinky Sachdev W/o Shri Akash Makhija Aged About 29 Years C/o Arjun Das Sachdev, R/o Shanti Nagar, Street No.03, House No. 221, P.S. Supela, District Durg, Chhattisgarh

---- Petitioner**Versus**

- Akash Makhija S/o Rajesh Kumar Makhija Aged About 26 Years R/o Torwa, Near Santoshi Mandir, P.S. Torwa, District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Uttam Pandey, Advocate
For Respondent	:	Shri Dharmesh Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/09/2018**

1. Heard.
2. The instant petition is filed for transfer of a case bearing Civil Suit No.245-A/2018 from the Family Court Bilaspur to Family Court Durg pending between the parties as they are husband and wife and the petition has been filed by the husband/respondent Akash Makhija under Sections 11 & 12 of the Hindu Marriage Act to declare the marriage as null and void before the Family Court Bilaspur wherein the wife is respondent.
3. It is contended on behalf of the wife that she is a resident of Durg and it is extremely difficult for her to travel all the time to attend the date of hearing at Bilaspur and till date no interim maintenance has also been awarded. It is stated that the wife has also filed an application under Section 12 of the

Protection of Woman From Domestic Violence Act before the JMFC, Durg, which is pending adjudication and she has a son aged about 6 years and there is no one to take care of the son, therefore, in all convenience the petition pending before the Family Court, Bilaspur may be transferred to the Family Court Durg.

4. Learned counsel for the respondent opposes the same and submits that the wife can very well attend the Court and there should be no difficulty to her in attending the Court as it is directly connected with the rail route.
5. Perused the documents filed with the petition. Perusal of the documents would show that the application has been filed by the husband under Sections 11 & 12 of the Hindu Marriage Act before the Family Court Bilaspur to declare the marriage null and void, wherein the wife is respondent. It appears that the wife has also filed an application before the JMFC, Durg under the Protection of Woman From Domestic Violence Act. Be that as it may, taking into the fact and evaluating/balancing the convenience of the wife, no prejudice would be caused to the respondent if the case is transferred to the Family Court Durg. Under the circumstances, it is directed that the case bearing Civil Suit No.245A/2018 pending before the Principal Judge, Family Court Bilaspur is directed to be transferred to the Family Court, Durg. It is further directed that the parties shall appear before the Family Court, Durg on 05.10.2018.
6. Accordingly, the petition stands allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu