

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 29 of 2017**

Reshma Parveen W/o Saiyyad Imran Ali, aged about 25 years, R/o Ali Traders, Chandipara Pamgarh, Civil and Revenue District- Janjgir- Champa (C.G.), Present Address- Saroj Vihar Colony, Bahatarai, Police Station- Sarkanda, Tahsil- Bilaspur, Civil and Revenue District- Bilaspur (C.G.).

---- Applicant**Versus**

Saiyyad Imran Ali, S/o Saiyyad Rahman Ali, aged about 28 years, R/o Ali Traders, Chandipara Pamgarh, Civil and Revenue District- Janjgir – Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Surendra Kumar Dewangan, Advocate
For Respondent	:	Mr. Faiz Kazi, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****05/01/2018**

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. 43-A/2017 moved for restitution of conjugal rights pending before the Judge, Family Court, Janjgir, District- Janjgir- Champa on the ground that she being a lady is unable to travel from Bilaspur to Janjgir frequently.
3. Learned counsel appearing on behalf of the applicant submits that the

marriage between the parties was solemnized as per the Muslim customs at Bilaspur on 24/05/2015. Thereafter, the applicant was residing with the respondent in her matrimonial house. After some time, the respondent and his family members started harassing her. She was subjected to cruelty for demand of dowry. It is further submitted that when the applicant fell ill, the respondent took her to her parental house at Bilaspur and left her there and since then she is residing with her parents. It is further submitted that the applicant has filed two cases against the respondent; first one relates to Section 12 of the Protection of Women from Domestic Violence Act, which is pending before the Judicial Magistrate First Class, Bilaspur and second one is filed under Section 125 of the Code of Criminal Procedure, 1973, which is pending before the Family Court, Bilaspur. It is further submitted that the respondent has also filed an application for restitution of conjugal rights before the Family Court, Janjgir and as per the provisions of the Family Court Act, the appearance of the parties are personally required before the Family Court. Therefore, during pendency of the application for restitution of conjugal rights, the applicant shall be required to appear before the Family Court, Janjgir on each and every dates of hearing which is very difficult for her. The distance between Bilaspur and Janjgir is about 40 kms. and there would be no difficulty for the respondent to appear at Bilaspur Court if Civil Suit No. 43-A/2017 is transferred to Bilaspur. Therefore, it is prayed that the civil suit may be transferred from Janjgir to Bilaspur.

4. On the other hand, learned counsel for the respondent has opposed

the arguments advanced on behalf of the applicant and submitted that the distance from Bilaspur to Janjgir is only about 40 kms. and Janjgir-Champa is easily accessible to the applicant. Therefore, she can easily appear before the Court at Janjgir on the dates of hearing. It is further submitted that no reasonable ground has been shown by the applicant for transfer of the civil suit from Janjgir to Bilaspur, therefore, the transfer petition may be dismissed.

5. Having considered the facts and circumstances of the case, particularly, the fact that the distance from Janjgir to Bilaspur is only about 40 kms., I am of the opinion that there would no difficulty for the respondent to appear before the Court at Bilaspur, but, the applicant, being a lady, would not be at ease to appear before the Court at Janjgir.
6. Consequently, the transfer petition is allowed. It is ordered that Civil Suit No. 43-A/2017 pending before the Family Court, Janjgir be transferred to the Family Court, Bilaspur for its hearing and disposal in accordance with law. The said transfer shall be made effective before 31/01/2018. The parties shall now appear before the Family Court, Bilaspur on 07/02/2018. 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

