

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 64 of 2017

Smt. Mohar Bai Aged About 25 Years, Wife Of Bahoran Das, Caste Panika, R/o Village Kuriyari, Tahsil Navagarh, District Janjgir Champa At Present C/o Father Jhadi Das, Caste Panika R/o Hedas Pali, Post Bade Sajapali, Police Station Bhanwarpur, District Mahasamund Chhattisgarh (As Per Complaint) Now R/o Kachounda, Police Station Sarsiva, Tahsil Bilaigarh, District Balodabazar - Bhatapara Chhattisgarh

---- Petitioner

Versus

Bahoran Das S/o Teras Das, Aged About 28 Years Caste Panika, R/o Village Kuriyari, Tahsil Navagarh, District Janjgir Champa Chhattisgarh.

---- Respondent

For petitioner-Shri Shikhar Sharma, Advocate.

For respondent-Shri Hari Agrawal and Ms. Trisna Das, Advocates.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/09/2018

Heard.

1. Instant petition is for transfer of matrimonial dispute from District Janjgir to Baloda-Bazar.
2. It is contended that the present petitioner/wife is residing at village Kachounda and in order to reach Janjgir which is 105 kms away she has to change three buses one from Kachounda to Bhatgaon, then from Bhatgaon to Shivrinarayan and from Shivrinarayan to Janjgir and being rural area she could not come back on the same day. It is stated that Baloda Bazar is at a distance of 80 kms from Kachounda and direct one bus plies between the destination, therefore the case may be transferred to the court of Baloda Bazar from Janjgir having jurisdiction to try the family matters.
3. Learned counsel for the respondent opposes the same and would submit that as per instruction received to them family court is not working at Baloda Bazar.
4. Present petition is by the wife for transfer of the case which is filed by

the husband under section 9 of the Hindu Marriage Act for restitution of conjugal rights. The petition is pending at Janjgir. Cause title of this petition shows that petitioner/wife is presently residing at Kachounda, P.S. Sarsiva, Tahsil Bilaigarh, District Balodabazar-Bhatapara. Considering the prayer made that in order to reach Janjgir she has to change bus three times first at Kachounda, then at Bhatgaon and then at Shivrinarayan and considering the submission that one bus plies in between Kachounda to Baloda Bazar wherein transfer is sought for, taking into such fact and further considering the convenience of the wife no prejudice would be caused to the husband/respondent if case pending under Section 9 of the Hindu Marriage Act is transferred to the court of Baloda Bazar having jurisdiction to try the family dispute.

5. In view of the above facts, it is directed that case number 159-A/2017 filed by the husband under section 9 of the Hindu Marriage Act for restitution of conjugal right is directed to be transferred to the District Court, Baloda Bazar having jurisdiction to try matrimonial dispute.

6. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE