

**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 43 of 2018**

- Kadambini Dewangan W/o Manoj Kumar Dewangan, Aged About 38 Years R/o Village Jhariyabakra Tehsil Mainpur P. S. Mainpur, District Gariyaband, Chhattisgarh

**---- Petitioner****Versus**

- Manoj Kumar Dewangan S/o Premal Dewangan, Aged About 43 Years R/o Village Tikri (Arjunda), Tehsil Gunderdehi, District Balod Currently Residing At Village Mogradih/ Adgadi, Tehsil Mainpur, P. S. Mainpur, District Gariyaband, Chhattisgarh

**---- Respondent**


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| For Petitioner | : | Shri Ishan Verma, Advocate    |
| For Respondent | : | Shri Jitendra Gupta, Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****01/10/2018**

1. Heard.
2. The present petition has been filed by the wife. It has been contended by the petitioner/wife that a divorce petition has been filed by the respondent/husband at district Balod which is 200 KMS away from the place where the petitioner is residing and working. It is further contended that the husband is also working in the same district Mainpur-Gariyaband, however, in order to harass the petitioner, the divorce petition has been filed at Balod. Therefore, it is prayed that since both of them are posted at Mainpur, District Gariyabandh, the Additional District Court, Gariyaband, would be the appropriate Court and which would be convenient to both the parties, therefore, for the fact that the petitioner

suffers more inconvenience as Balod is not directly connected by rail route and also with interchange of the bus she reaches Balod, the case may be transferred to Gariyabandh which is within few kms of reach for both the parties.

3. Per contra, learned State counsel opposes the same and submits that the mother and the father of the respondent/husband is required to be looked after by the son and they are posted at Balod and the case, therefore, cannot be transferred to Additional District Court, Gariyabandh.
4. Perused the documents. Perusal of the petition filed by the husband shows that from 2010 both the parties are posted at Mainpur, District Gariyabandh as Teacher-Class III and were residing at Jhariyabahara for the last 5 years. The addresses have been shown in the application filed by the husband under Section 13 of the Hindu Marriage Act, reflect the same that they both are resident of Gariyabandh. It is not in dispute that from the place of posting of both husband and wife, the Balod is about 200 kms away and it is the convenience of the wife has to be considered when the Court is 200 kms away from the place of residence and is not directly connected. Considering the same and also taking into the fact that the husband/respondent is also appears to be posted at District Gariyabandh, therefore, the case bearing No.34A/2018 pending before the Family Court, Balod (C.G.) is transferred to the Court of learned Additional District Judge, Gariyabandh. The parties shall appear before the Court at Gariyabandh on 1<sup>st</sup> of December, 2018.
5. With such observation, the petition stands disposed of.

Sd/-  
Goutam Bhaduri  
Judge

Ashu