

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**T.P.(C) No. 34 of 2017**

Smt. Pushpalata Yadav, W/o. Shri Harish Yadav, Aged About 25 Years,  
R/o. C/o. Shivkumar Yadav, Ramleela Chowk, Khamhardih, Shankar  
Nagar, Raipur, District Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

Harish Yadav, S/o. Late Shri Babulal Yadav, Aged About 29 Years, R/o.  
Village Sambalpur, Police Station Guderdehi, District Balod, Chhattisgarh

**---- Respondent**

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For Petitioner : Mr. J.K.Gupta, Advocate

For Respondent : Mr. Avinash Chand Sahu, Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**25.10.2018**

1. The present petition is filed by the wife for transfer of a divorce case bearing No.20-A/2017 pending before the Family Court, Balod to the Family Court, Raipur.
2. It is contended that the husband/respondent has filed a divorce petition under Section 13(1)(A) of the Hindu Marriage Act against the wife/petitioner, which is pending at Family Court Balod. It is contended that the distance in between Raipur and Balod is more than 100 km and entire day has been spent to travel to Balod and the petitioner, being a lady, alone she could not travel as it becomes late in the evening to come back. It is further contended that no prejudice would be caused to the husband if the case is transferred to the Family Court Raipur as two other cases are pending which the husband is contesting at different Court at

Raipur, therefore, the case may be transferred to the Family Court, Raipur.

3. Learned counsel for the respondent vehemently opposes the argument advance by the learned counsel for the petitioner.
4. Perused the documents. It appears that two cases have been lodged by the wife one is under Section 125 of Cr.P.C. and another is under Section 12 of the Domestic Violence Act, which are pending before the Family Court, Raipur. It is not disputed that the distance in between Balod and Raipur is more than 100 km. It is always the convenience of the wife is to be considered. Considering the facts of this case, no prejudice would be caused to the husband if the case filed by the husband which is pending before the Family Court Balod is transferred to the Family Court Raipur. In view of this, it is directed that the divorce case bearing No.20-A/ 2017 pending before the Principle Judge, Family Court, Balod is transferred to Family Court Raipur.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Raipur on 03<sup>rd</sup> December, 2018.

Sd/-  
**(Goutam Bhaduri)**  
Judge