

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.46 of 2018**

Mayuri Kolhekar W/o Praful Kokhekar Aged About 26 Years R/o Through-
Krishna Heights B/227 Pragti Nagar, Dipika Project, Tahsil And District- Korba,
Chhattisgarh.....(Wife)

---- Petitioner**Versus**

Praful Kolhekar S/o N.P. Kolhekar Aged About 33 Years R/o House No. A/201,
Usha Heights, Vaishali Nagar, Tahsil And District- Bilaspur, Chhattisgarh.

-----Respondent

For Petitioner:-
For Respondent:-

Shri Punit Ruparel, Advocate.
None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

09.07.2018

1. This Petition has been preferred under Section 24 of the Code of Civil Procedure, 1908 praying for transfer of Civil Suit No.407-A/17 pending before the Principal Judge, Family Court, Bilaspur to the Family Court at Korba.
2. Shri Punit Ruparel, learned Counsel for the Petitioner submitted that the marriage between the parties was solemnized on 16.11.2014 according to the rites of Boudha religion at Bilaspur and out of the wedlock, one girl namely Naira was born, who is now 1 ½ years old. It is submitted further that immediately after the birth of the girl child, the Respondent and his family members have started harassing the Petitioner/wife, as a result of which, both of them got separated. It is submitted further that the Petitioner/wife is facing hardship in travelling to the said Court to attend the proceedings as she is having a small child as also the old parents and it would therefore be very difficult for her to attend each and every date of hearing before the Family

Court at Bilaspur and therefore, it would be just and proper for her convenience to transfer the said case initiated by her husband under Section 13 of the Hindu Marriage Act, 1955 to the Family Court at Korba.

3. I have heard learned Counsel for the Petitioner and perused the entire relevant papers annexed with this Petition.

4. After going through the papers annexed with the Petition, it is evident that the Petitioner/wife, upon receiving summons of the said divorce proceedings, appeared before the Family Court, Bilaspur on 08.09.2017 and has submitted an application under Section 24 of the Hindu Marriage Act, 1955 claiming interim maintenance along with litigation and travelling charges from her husband. After considering the said application, the trial Court has allowed the same vide its order dated 24.03.2018 by awarding the same.

5. Record would reveal further that after passing of the said order, the instant Petition has been filed after three and half months i.e. on 01.07.2018. Since the Petitioner has already been granted the litigation charges by the trial Court vide its order dated 24.03.2018 and the distance of Petitioner's residence to the concerned Family Court, Bilaspur is not much, I am not inclined to allow this Transfer Petition.

6. In view of above, I do not find any legal ground so as to transfer the case pending before the Principal Judge, Family Court, Bilaspur to the Family Court at Korba as claimed by the Petitioner.

7. The Transfer Petition being devoid of merits is accordingly dismissed at the admission stage itself. There shall be no order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE