

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 16 of 2018**

- Manjay Varma S/o Ramsohagi Aged About 32 Years R/o Village Acholi, Post Pendrawan, Tahsil Dhmdha, District Durg, Chhattisgarh.

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

- Smt. Summi W/o Manjay Verma Aged About 30 Years R/o Through Kumari Bai W/o Douva Ram Khrishna Nagar (Ramnagarkarma Chouk Near Police Station and Tahsil And District Raipur, Chhattisgarh.

---- **Respondent**

For the petitioner : Mr.Tarun Dansena, Advocate.
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****29-08-2018.**

1. Heard on admission.
2. This petition is filed under Section 407 of the Code of Criminal Procedure, 1973 for transferring MJC No. 37 of 2018 filed by the respondent before Principal Judge, Family Court, Raipur (CG) for maintenance under Section 125 of the Cr.P.C to the Family Court, Durg.
3. Admittedly, the petitioner is husband of respondent and he is residing in Durg whereas the respondent is residing in Raipur. She filed an application under Section 125 of the Cr PC for maintenance in the Family Court, Raipur as per provisions of Section 126 (2) of Cr.P.C. The distance between Raipur to Durg is 40 kms.
4. Looking to the distance it cannot be said that any inconvenience would cause to the present petitioner. Again, the petitioner has filed an application under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Durg to

which the respondent has to answer. As both the cases are quasi civil in nature in which presence of the parties is not required in every hearing, they may be represented through their counsel and their presence is required only on the date of hearing when their evidence is to be recorded. Therefore, the ground raised by the petitioner is not sufficient to transfer the case from Family Court, Raipur to Family Court, Durg.

5. Accordingly, the instant transfer petition being devoid of merit is liable to be and is hereby dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju