

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 54 of 2018**

- Smt. Meena Lahrey W/o Nayaymurti Lahrey Aged About 35 Years By Caste - Satnami, R/o Village - Thathari, Tahsil - Jaijaipur, District Janjgir Champa Chhattisgarh. Present Address - Avantika Colony, Qtr. No. G-13, Jagdalpur, P.S. Bodhghat, Tahsil - Jagdalpur District Bastar Chhattisgarh

---- Petitioner**Versus**

- Nyaymurti Lahrey S/o Late Shri Nanhuram Lahrey Aged About 42 Years By Caste - Satnami, R/o Village - Thathari, Tahsil - Jaijaipur, District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner : Ms. Indira Tripathi, Advocate
None for the Respondent, though served.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2018**

1. The instant petition has been filed for transfer of a divorce case which has been preferred by the husband/respondent before Family Court, Janjgir, Camp Sakti, Distt. Janjgir-Champa (C.G.) bearing Civil Suit No.17A/2018 to the Family Court, Jagdalpur.
2. It is contended on behalf of the wife/petitioner that she is the resident of Jagdalpur, which is almost more than 400 kms. away from the District Janjgir-Champa and the petitioner is having three children, therefore, it is extremely

difficult for her to travel altogether from Jagdalpur to Sakti and there is no direct rail route connectivity between Jagdalpur to Sakti. Learned counsel for the petitioner submits that the last child of the petitioner was born on 28.04.2018 as such she is unable to travel, therefore, the convenience of the wife can always be considered and no prejudice would be caused to the husband if the case is transferred to Jagdalpur as two other cases are also pending at Jagdalpur one is under Section 498 IPC and another is under Section 125 of Cr.P.C. filed by the wife.

3. No representation is made on behalf of the respondent despite service of notice.
4. Perused the documents annexed with this petition. It appears that the husband has filed a divorce petition under Section 13 (1) (a) of the Hindu Marriage Act seeking divorce from the wife/petitioner which is pending before the Family Court, Janjgir, Camp Sakti, District Janjgir-Champa (C.G.) bearing Civil Suit No.17A/2018 (Nyaymurti Lahrey Vs. Smt. Meena Lahrey). Certain medical documents have also been filed wherein it shows that the infant baby is with the petitioner/wife and all the treatments appears to have been carried out at Jagdalpur. Taking into the totality of the case, in the opinion of this Court it is always the convenience of the wife has to be considered while transferring a case and it is also obvious that in traveling more than 400 kms. from Jagdalpur to Sakti with a new born baby more prejudice and inconvenience would be caused to the wife. Under the circumstances, taking into such fact, it is directed that the case bearing Civil Suit No.17A/2018 pending before the Family Court,

Janjgir, Camp Sakti, District Janjgir-Champa (C.G.) shall stand transferred to the Family Court, Jagdalpur. The parties shall appear before the Family Court, Jagdalpur on 15th of January, 2019. In absence of representation on behalf of the respondent on that date, the Family Court, Jagdalpur shall issue notice to the respondent for his appearance before the Family Court.

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

Sd/-

Goutam Bhaduri
Judge

Ashu