

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 55 of 2018**

- Smt. Parvati Yadav W/o Tikam Yadav Aged About 28 Years R/o Gaya Nagar Durg Police Station And Tahsil And District Durg Chhattisgarh

---- Petitioner**Versus**

- Tikam Yadav S/o Amrtlal Aged About 29 Years R/o Kailkar Para, Station Road Raipur , Police Station And Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner : Shri Tarun Dansena, Advocate
For Respondent None, though served

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

1. Heard.
2. The present petition has been filed for transfer of a matrimonial case filed by the husband under Section 9 of the Hindu Marriage Act at Family Court, Raipur to Family Court Durg, wherein the petitioner resides.
3. It is contended on behalf of the petitioner that no maintenance has yet been awarded by the Court and in order to travel from Durg to Raipur she has to undergo inconvenience and no prejudice would be caused to the husband/respondent considering the nature of the application filed by the husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

4. No representation is made by the husband despite service of notice.
5. Perused the application and the contents thereof. It is contended that the petitioner being a lady residing in the house of her father at Durg has no source of income and it is difficult for her to go to Raipur though it is 45 kms away. It is further contended that no compensation/interim maintenance has been awarded to her till date and there is no source of income. Perused the documents also. Perusal of the documents would show that it contains the order of the proceedings under Section 125 Cr.P.C. and no maintenance has yet been awarded to the wife. The husband/respondent has chosen not to appear before the Court despite service. Considering the fact that the averments of the transfer petition are unrebutted and further taking into the convenience of the wife and also the nature of the application filed under Section 9 of the Hindu Marriage Act, which is for restitution of conjugal rights, no prejudice would be caused to the husband if the case is transferred to the Family Court, Durg. Accordingly, the case bearing No.706/2017 pending before the Family Court, Raipur is directed to be transferred to the Family Court, Durg. The parties shall appear before the Family Court, Durg on 1st of December, 2018. If the respondent fails to appear before the Family Court, Durg, on that date, notices would be issued to him for his appearance before the Court.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu