

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 58 of 2018

Smt. Monika Mahato (Dhankar) W/o Virendra Dhankar, R/o L.S.-
203, City Heights Residency, Kailash Vihar, Kailash Puri Raipur,
Tahsil And District - Raipur Chhattisgarh.

---- Petitioner

Versus

Virendra Dhankar, S/o Chandrapal Dhankar Aged About 31 Years
R/o Police Quarter Gidam, PS Gidam, Tehsil And District
Dantewada Chhattisgarh.

---- Respondent

For petitioner-Shri J.K. Gupta, Advocate.
For Respondent- Shri Ram Kumar Tiwari, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2018

Heard.

1. Instant petition is for transfer of matrimonial dispute which is pending before Additional District & Sessions Judge, FTC, Dantewada to the Family Court, Raipur.
2. Instant petition is filed by the wife. It is contended that wife resides at Raipur and for going to Dantewada there is no direct connectivity of the rail route which is 400 kms away. It is extremely difficult for a lady to travel all alone to such place. It is further submitted that application under Section 125 of Cr.P.C. has been preferred before the court of competent jurisdiction at Raipur and no prejudice would be caused to the husband if case is transferred to the Family Court, Raipur.
3. Learned counsel for the respondent opposes the same and would submit that the petitioner has been awarded with to and fro expenses for travelling and she can very well travel from Raipur to Dantewada.
4. Perused the document connected to this petition. Prima facie it shows that an application under Section 125 of Cr.P.C. has been filed by

the wife which is pending adjudication before the Judicial Magistrate at Raipur. It is not disputed by the parties that distance from Raipur to Dantewada is 400 kms, therefore naturally inference can be drawn that for a lady to travel all alone may cause more inconvenience than that of a male.

5. Under the circumstances, since convenience of the wife has to be given preference, taking into distance in between the two places where wife resides and case is pending, it is directed that the case filed by the respondent/husband bearing Civil Suit No.26-A/2017 pending before Additional District & Sessions Judge, FTC, Dantewada be transferred to the Family Court, Raipur. Parties shall appear before the Family Court, Raipur on 5th December, 2018.

6. Accordingly, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE