

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 61 of 2018

Smt. Arti Rai W/o Chandraprakash Jaiswal Aged About 36 Years
R/o Village Kumhari, Bich Mohalla, Post Marwahi, District- Bilaspur,
Chhattisgarh.

---- Petitioner

Versus

Chandraprakash Jaiswal S/o Kallu Prasad Jaiswal Aged About 36
Years R/o Village Pali, Police Station And Tahsil Pali, District-
Korba, Chhattisgarh.

---- Respondent

For petitioner- Shri G.V.K. Rao, Advocate.
For respondent -Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/11/2018

Heard.

1. Instant petition is filed by the wife to transfer the divorce petition which is pending at Camp Court, Katghora to Link Court/Camp Court Pendra Road.
2. Perusal of the record would show that husband/respondent has filed a petition for divorce which is before the Camp Court, Katghora wherein the applicant is the respondent.
3. It is contended on behalf of the applicant/wife that the wife is working as Shiksha Karmi at Marwahi which is 30 kms away whereas Katghora is at a distance more than 70 kms. It is stated that travelling from Marwahi to Katghora is more hazardous and no prejudice would be caused to the husband if case is transferred to the Camp Court, Pendra Road. It is further contended that case under Domestic Violence Act has been filed at Pendra Road wherein respondent is appearing, therefore considering the inconvenience of the wife divorce case which is pending before the Camp Court, Katghora may be transferred to the Link Court,

Pendra Road.

4. Learned counsel for the respondent vehemently opposes the same and would submit that it is only on the basis of distance transfer has been sought and wife can very well travel distance of 70 kms and no inconvenience is caused.

5. Perused the document. It appears that before the Judicial Magistrate, Marwahi a case has been filed under section 12 of the Domestic Violence Act by the wife wherein husband is party. Perusal of the record would show that wife has contended that she is residing at Marwahi. It is always convenient for her to travel to Pendra Road which is 30 kms away whereas Katghora is situated at a distance more than 70 kms. Taking into such fact, definitely if distance is shortened convenience would be much more to the wife. It is always convenience of the wife to be considered. Further taking into fact that one case is already pending before the Judicial Magistrate, Camp Court, Marwahi, no prejudice would be caused if divorce case is transferred to the Link Court at Pendra Road.

6. In the result, divorce case pending before the Family Court, Katghora bearing No.78-A/2018 shall stand transferred to the Link Court, Pendra Road. Parties shall appear before the Link Court, Pendra Road on 5th December, 2018.

7. Accordingly, the petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE