

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 66 of 2018

Smt. Shraddha Pateriya Namdev, W/o. Navneet Pateriya, Aged About 30 Years, R/o. Sanjay Nagar Jawahar Ward, Kanker, Tehsil & Police Station Kanker, District- North Bastar Kanker, Chhattisgarh.

---- Petitioner

Versus

Navneet Pateriya, S/o. Narendra Pateriya, Aged About 40 Years, R/o. Mahamaya Purani Basti, Tehsil Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Sandeep Yadav, Advocate

For Respondent : No representation despite service of notice.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.12.2018

Heard

1. The present petition is filed by the wife for transfer of a case No.346/2018 pending before the Family Court, Raipur to the Family Court, Kanker.
2. It is contended that the husband/respondent has filed an application under Section 9 of the Hindu Marriage Act. It is stated that the wife is resident of Kanker and the earlier case seeking divorce was filed before the Kanker Family Court which was dismissed against which the appeal is filed. He submits that the convenience of the wife is to be considered, as it is very difficult to the wife to come alone to Raipur which is more than 100 km away and further no prejudice would be caused to the husband if the case is transferred to the Family Court Kanker. Therefore, the case preferred by the husband may be transferred to the Family Court Kanker.

3. No representation is made on behalf of the respondent despite service of notice.
4. Perused the documents connected with this petition. The instant petition is preferred by the wife. It is always the convenience of the wife is to be considered. Prima facie, it appears that no prejudice would be caused to the husband if the case, which is pending before the Family Court Raipur is transferred to the Family Court Kanker, which is more than 100 km away. In view of this, it is directed that the case bearing No.346/2018 pending before the Family Court, Raipur is transferred to Family Court Kanker.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Kanker on 08th January, 2019. If the respondent did not appear, a fresh notice be issued to him for appearance.

Sd/-
(Goutam Bhaduri)
Judge