

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P.(C) No. 68 of 2018

Smt. Geetesh Lahare, W/o. Shri Bharat Lahare, Aged About 34 Years,
R/o. 435/21, Camp Road, Ashish Nagar, Risali, Bhilai, Tehsil & District
Durg Chhattisgarh.

---- Petitioner

Versus

Bharat Lahare, S/o. Shri Bhaiya Ram Lahare, Aged About 50 Years, R/o.
Annapurna Vihar, Qr. No. C/208 HTTP Colony, Jail Gaon, Darri, Korba
West, Tehsil Katghora, District Korba, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Jaydeep Singh Yadav, Advocate

For Respondent : Mr. Bharat Lahare, Respondent in person.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.12.2018

Heard

1. The present petition is filed by the wife for transfer of a case i.e. Civil Case No.40-A/2018 pending before the Family Court, Katghora to the Family Court, Durg.
2. It is contended that the husband had instituted a case under Section 13(1)(a) of the Hindu Marriage Act seeking divorce from the petitioner/ wife. It is stated that Katghora is more than 230 Km away from Durg wherein presently the petitioner resides and is in service. It is extremely difficult for her to travel altogether alone to Katghora as it is not altogether connected by the rail rout. She has to come to Korba by Train and thereafter by Bus she has to travel to Katghora and if the case is transferred to the Family Court Durg no prejudice would be caused to the husband since one more petition for custody of the child is pending before the Family Court Durg.

3. The respondent appears in person and opposes the same and submits that it is because of the behaviour of the wife, he is suffering. He further submits that child has been made a scape goat by the wife to cause cruelty and she is making use of it and she also uses her father's approach and monetary status to overreach and suppress the respondent. He further submits that the case which is pending for custody of the child may be heard together along-with the divorce petition.
4. Considering the prayer and fact that one case is pending in between the parties for custody of child at Durg and considering the convenience of the wife that she has to travel altogether alone from Durg to Katghora, it is directed that the Case No.40A/2018 pending before the Family Court Katghora be transferred to the Family Court Durg. In respect of the grievance made by the husband, it is for the husband to seek redressal before the appropriate Court. Since it is admitted that one case for custody of the child is pending before the Family Court Durg, therefore, the Family Court Durg shall be obliged to hear both the cases i.e. one is of child custody and another is for divorce pending interse between the parties shall be heard at Durg together so that fair trial and equal balance can be settled in between the parties.
5. In view of the above, the petition is allowed. The parties shall appear before the Family Court Durg on 10th January, 2019.

Sd/-
(Goutam Bhaduri)
Judge