

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 70 of 2018**

- Smt. Shradhha Gupta W/o Rajesh Kumar Gupta, Aged About 32 Years C/o Shailesh Gupta, R/o Vinayak Mobile, Parshuram Chowk, Raj Kishore Nagar, Bilaspur Tahsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

- Rajesh Kumar Gupta S/o Late Shri Mohan Lal Gupta, Aged About 35 Years R/o Chetan Chowk, Near Play School, Pendra Tahsil Pendra, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner : Shri S.K. Dewangan, Advocate
None for the Respondent, though served.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

13/12/2018

1. Heard.
2. The present petition has been preferred by the wife for transfer of a case bearing civil suit/case No.36A/2017, which is preferred by the husband/respondent under Section 13 of the Hindu Marriage Act for seeking divorce from the wife, which is pending before the Upper District Judge, Pendra Road to the Family Court, Bilaspur.
3. Learned counsel for the petitioner submits that the petitioner is a lady and out of the wedlock a child was born and it is extremely difficult for the petitioner to travel altogether from Bilaspur to Pendra Road as she is residing at Bilaspur and no maintenance has yet been granted to her. He further submits that no

prejudice or inconvenience would be caused to the husband/respondent if the case is transferred to the Family Court, Bilaspur, therefore, he prays that the case may be transferred to the Family Court, Bilaspur.

4. No representation is made on behalf of the respondent despite service of notice.
5. Perused the documents, contents of the petition and the order-sheet of the Court below. It shows that till date no maintenance has been granted to the wife. Considering the same and also taking into that it is always the convenience of the wife has to be considered. In the opinion of this Court, in the facts of this case, no prejudice would be caused to the husband if the case is transferred to the Family Court Bilaspur from the Pendra Road which is 120 km away only. In view of this, considering the convenience of the wife it is directed that the civil suit/case No.36A/2017 pending before the Upper District Judge, Pendra Road shall stand transferred to the Family Court, Bilaspur. The parties shall appear before the Family Court, Bilaspur on 11th February, 2019. In absence of representation on behalf of the respondent on that date, the Family Court, Bilaspur shall issue notice to the respondent for his appearance before the Family Court, Bilaspur.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu