

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 72 of 2018**

Smt. Raj Kumari Soni W/o Shri Manoj Soni Aged About 32 Years R/o Ward No. 32, Behind Durga Mandir, Bramhan Para, P.S. Kotwali, Durg, Tahsil Durg, District- Durg, Chhattisgarh. --- **Petitioner**

Versus

Manoj Soni S/o Late Hari Kishan Soni Aged About 44 Years R/o Sonarpara, Ward No. 37, Near Shitala Mandir, P.S. City Kotwali Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shikhar Sharma, Advocate.
For the Respondent	:	Mr. Pravin Tulsyan, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2018

1. This is a petition by the wife seeking transfer of case No.107-A/2017 from Family Court Rajnandgaon to Family Court, Durg.
2. The husband has preferred the petition u/s 13(1)(i)(A) under the Hindu Marriage Act seeking divorce before the Family Court Rajnandgaon.
3. Learned counsel for the petitioner contends that the wife is resident of Durg and she has filed a case for maintenance at Durg. It is stated that her parents are old and infirm and it is extremely difficult for the wife to travel from Durg to Rajnandgaon along-with her child of 3 years of age. He submits that no prejudice will be caused to the husband if the case is transferred to Family Court Durg wherein the petitioner is appearing in other case despite no representation is made on behalf of the husband.
4. Perused the record. The record would reveal that one

application u/s 125 Cr.P.C., has been filed by the petitioner-wife before the family Court Durg. The petition which is sought to be transferred is a divorce petition filed by the husband which is pending before the Family Court Rajnandgaon. It is always the convenience of the wife which has to be considered.

5. Taking into consideration the fact that no prejudice would be caused to the husband as the case of the wife u/s 125 Cr.P.C., is already pending before the family Court, Durg, it is directed that the Civil Suit No.107-A/2017 pending before the Family Court Rajnandgaon preferred by the husband shall stand transferred to the Family Court, Durg. The parties shall appear before the Family Court Durg. Since the respondent/ husband has not appeared before the family Court, Durg, notice may be issued for his appearance before the Court.

**Sd/-
GOUTAM BHADURI
JUDGE**