

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.09 of 2019**

- Smt. Akanksha Sharma W/o Akash Sharma Aged About 26 Years R/o Shubham Vihar Colony Bilaspur District Bilaspur, Chhattisgarh Present Address Village Baiharsari, Police Station And Tahsil Bodla ,district Kabirdham Chhattisgarh.

---- Petitioner**Versus**

- Akash Sharma S/o Shri Vyasnarayan Sharma, aged About 30 years R/o Shubham Vihar Colony, near Om Zone Gate, Bilaspur Police Station Civil Lines District Bilaspur Chhattisgarh.

---- Respondent

 For the Petitioner : Shri Dharmesh Srivastava, Advocate
 For the Respondent : Shri Krishna Tandon, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****01.8.2019**

1. This transfer petition filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, 1908 for transferring Civil Suit No.307A/2017 pending before the Court of Additional Principal Judge Family Court, Bilaspur (CG) filed under Section 13 of the Hindu Marriage Act, 1955 for divorce by the husband.

2. Learned counsel for the petitioner submits that the petitioner is residing with her parents at village Baiharsari, Tahsil Bodla, Distt. Kabirdham (CG) which is at a distance of 150 km away from Bilaspur and there is no direct conveyance to reach there. Therefore, the above mentioned case may be transferred to Family Court Kawardha (CG).

3. On the other hand, learned counsel for the respondent submits that presently he is posted at Korla and if the case is transferred to Kawardha, it will take 5-6 hours to reach him there.

4. Now the point for consideration before this Court is at which place will be proper for trial of the case in question.

5. Admittedly, one application under Section 125 of the Code of Criminal Procedure, 1973 was filed against the respondent before the Court at Kabirdham in which the respondent is already appearing. Convenience of the wife should be preferred over the convenience of the husband. Therefore, the Court at Kabirdham will be the proper Court for the trial of the case.

6. Accordingly, present petition is allowed. Civil Suit No.307A/2017 filed under Section 13 of the Hindu Marriage Act which is pending before the Additional Principal Judge, Family Court Bilaspur is directed to be transferred to Judge Family Court Kabirdham (Kawardha) with immediate effect. The Court at Bilaspur shall transmit the record of the above mentioned case to the Court at Kabirdham (Kawardha).

7. Both the parties shall remain present before the Court at Kabirdham (Kawardha) on 04.9.2019 for further proceedings.

Sd/-
(Ram Prasanna Sharma)
JUDGE