

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.16 of 2019**

- Smt. Velentina Masih W/o Abhishek Kumar Masih Aged About 35 Years Dharm Isai, Occupation Shiksha Karmi Grade -1, Resident Of LIG 0214 Amdinagar, Hudco Bhilai, District - Durg Chhattisgarh.

---- Petitioner**Versus**

- Abhishek Kumar Masih S/o Idu Masih Aged About 40 Years Dharm Isai, Occupation Contractual (Training Officer), Resident Of Near District - Hospital, Ambikapur, District - Surguja Chhattisgarh.

---- Respondent

 For the Petitioner : Shri Jitendra Gupta, Advocate
 For the Respondent : Shri Aman Tamboli, Advocate on
 behalf of Shri Amit Kumar, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

24.7.2019

1. This transfer petition filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, is for transferring Case No.91A/2018 filed under Section 32 of the Indian Divorce Act, 1869 before the Principal Judge, Family Court Ambikapur to Family Court Durg (CG).
2. The petitioner/wife is working as Shiksha Karmi Grade-I and residing at Amdinagar, Hudco, Bhilai, Distt. Durg (CG). The respondent is working at Amibikapur. The petitioner is maintaining two minor children namely Aaryan Masih and Aanya Masih.
3. Now the point for consideration before this Court is whose convenience is preferable in the facts and circumstances of the

case. In the present case, the petitioner/wife is maintaining her two children, therefore, she cannot be burdened to travel from Durg to Ambikapur to attend the Court. The respondent is alone having no burden of children, therefore, he can be asked to attend the Court at Durg. In this way, wife's inconvenience shall prevail over the inconvenience of the husband.

5. Accordingly, present petition is allowed. Case No.91A/2018 pending before the Principal Judge Family Court Ambikapur filed under Section 32 of the Indian Divorce Act, 1869 is transferred to the the Court of Principal Judge Family Court Durg with immediate effect. Principal Judge Family Court Ambikapur shall transmit the concerned record to the Family Court, Durg.

6. Both the parties shall remain present before the Court at Family Court Durg on 30.8.2019 for further proceedings.

Sd/-

(Ram Prasanna Sharma)
JUDGE