

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURTPC No. 23 of 2019

Mr. Harshal Thakur, S/o -Rameshwar Prasad Thakur, Aged about- 30 Years, R/o -House No. A - 55, Steel City, Avanti Vihar, Raipur, District Raipur (C.G.) ---- **Petitioner**

Versus

Smt. Madhvi Thakur, W/o -Harshal Thakur, Aged about -28 Years, R/o -Ward No. 10, Shankarpur, Bajrang Chowk, Near Tulsi Medical, District - Rajnandgaon (C.G.) ---- **Respondent**

ANDTPC No. 29 of 2019

Smt. Madhvi Thakur, W/o -Harshal Thakur, Aged about -28 Years, R/o -Ward No. 10, Shankarpur, Bajrang Chowk, Behind Tulsi Medical, District -Rajnandgaon (C.G.) ---- **Petitioner**

Versus

Harshal Thakur, S/o -Rameshwar Prasad Thakur, Aged about - 30 Years, R/o -H. No. A - 55, Steel City, Avanti Vihar Raipur District -Raipur (C.G.) ---- **Respondent**

For Petitioner : Mr. Goutam Khetrapal , Advocate.

For Respondent : Mr. Prasoon Agrawal, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24/07/2019

1. As both the cases arise out of common nature they are heard analogously and are being disposed of by this common order.
2. Transfer Petition (C) No. 23/2019 is preferred by husband for transferring Civil Suit No. 193-A/2018 filed by respondent/wife under Section 9 of the Hindu Marriage Act, 1955 for restitution pending before the Judge, Family Court, Rajnandgaon to Family Court, Raipur (C.G.).
3. Transfer Petition (C) No. 29/2019 filed by wife for transferring Civil Case No. 497/2018 which is pending between the parties at

Family Court, Raipur under Section 13 of the Hindu Marriage Act, 1955 for divorce to Family Court at Rajnandgaon.

4. Learned counsel on behalf of petitioner in Transfer Petition (C) No. 29/2019 submits that convenience of wife should be preferred. He placed reliance in the matter of **G.R. Bhuvaneshwari Vs. G.S. Puttaraju**, reported in (2018) 13 SCC 650 and **Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi**, reported in (2005) 12 SCC 237.
5. On the other hand, learned counsel for the petitioner in petition No. 23/2019 submits that there is threat to him while appearing before the Court at Rajnandgaon.
6. The point for consideration of this Court is as to which place will be preferred for trial of the both the cases.
7. After going through the rival submission of both the parties in both the transfer petitions the proper place would be a place where there is no scope for further complication regarding threat, abuse or anything. Family Court, Durg is in the middle of both the Family Courts which are at Raipur and at Rajnandgaon, therefore, it would be proper to transfer both the cases to Family Court, Durg which will serve the purpose of both sides.
8. Accordingly, Civil Suit No. 193-A/2018 pending before Judge, Family Court, Rajnandgaon under Section 9 of the Hindu Marriage Act, 1955 and case No. 497/2018 pending before the Family Court, Raipur filed under Section 13 of the Hindu Marriage Act, 1955 are transferred to Principal Judge, Family Court, Durg (C.G.) for disposal in accordance with law.

9. Both parties shall appear before the Court of Principal Judge, Family Court, Durg for further proceedings on 29th August, 2019. The Family Court at Raipur and Rajnandgaon shall transmit the concerned record to the Court of Principal Judge, Family Court, Durg.

10. Accordingly, both the petitions stand disposed of.

Sd/-
(Ram Prasanna Sharma)
Judge

Vasant