

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.32 of 2019**

- Smt. Ruhi Jain W/o Vaibhav Jain Aged About 30 Years R/o Ward No. 02, Nayapara Rajim, Police Station - Rajim, Tashil - Rajim, District Gariyaband Chhattisgarh. (Non - Applicant)

---- **Petitioner****Versus**

- Vaibhav Jain S/o Rajkumar Jain, Aged About 30 Years R/o Lal Bagicha Ward, Dhamtari, Post Office And Police Station - Dhamtari, Tahsil - Dhamtari, District Dhamtari Chhattisgarh. (Applicant)

---- **Respondent**

For the Petitioner : Shri Shivendu Pandya, Advocate along
with the petitioner

For the Respondent : Shri Anil Gulati, Advocate along with the
respondent

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

30.7.2019

1. This transfer petition filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, 1908 for transferring Case No.102-A/2018 filed under Section 9 of the Hindu Marriage Act, 1955 pending before the Court of Judge Family Court, Dhamtari to the Additional District Judge, Gariyaband (CG).

2. As per the version of the petitioner, she is residing at Rajim and for reaching the Court at Dhamtari, there is no direct transportation available. Again after reaching Dhamtari, she had to travel about 10-15 km to reach the Court where also regular transportation is not available. Therefore, the case may be shifted to the Court of Additional District Judge, Gariyaband.

3. On the other hand, learned counsel for the respondent submits that if the case is transferred to Gariyaband he had to suffer inconvenience because direct transportation is not available from Dhamtari to Gariyaband.

4. Now the point for consideration before this Court is which place shall be proper for the trial of the case pending between the parties. As transportation to Gariyaband and Dhamtari is not available from respective places of the parties, the trial may be conducted in a place where transportation is readily available from Dhamtari and Rajim. The Court at Raipur is having direct transportation from both places.

5. Accordingly, case No.102-A/2018 pending before the Court of Judge Family Court, Dhamtari, filed under Section 9 of the Hindu Marriage Act, 1955 is directed to be transferred to the Court of Principal Judge Family Court, Raipur with immediate effect. The Court at Dhamtari shall transmit the record of the above mentioned case to the Court at Raipur.

6. Both the parties shall remain present before the Principal Judge Family Court, Raipur on 03.9.2019 for further proceedings.

7. Accordingly, the petition stands disposed of.

Sd/-
(Ram Prasanna Sharma)
JUDGE