

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.33 of 2019**

- Smt. Anju Patel W/o Shri Keshar Singh Patel Aged About 32 Years D/o Shri Santosh Patel, R/o Purani Basti, Behind Mauli Mata Mandir, Baloda Bazar, Police Station And Tahsil Baloda Bazar, District Baloda Bazar- Bhatapara Chhattisgarh.

---- Petitioner**Versus**

- Keshar Singh Patel S/o Shri Bhagwan Singh Patel Aged About 39 Years R/o Village Lakhgarh, Post And Police Station- Pithora, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Respondent

 For the Petitioner : Shri MK Bhaduri, Advocate
 For the Respondent : Shri Anant Kesharwani, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****16.7.2019**

1. This transfer petition filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, for transferring Civil Suit No.22A/2019 filed under Section 13(A) of the Hindu Marriage Act, 1955 pending before Family Court Mahasamund to Family Court at Baloda Bazar (CG).

2. As per the applicant, she is living with her old aged parents at Baloda Bazar and it would be inconvenient for her to attend the court proceedings at Mahasamund which is at distant place from Baloda Bazar. The respondent/husband is the resident of village Lakhgarh, Tahsil Pithora and it would be convenient for the respondent to attend the Court at Baloda Bazar.

3. On the other hand, learned counsel for the respondent submits that if the case is transferred to Baloda Bazar, he will face inconvenience, therefore, the case should be tried at Mahasamund.

4. Now the point for consideration before this Court is whose convenience is preferable in the facts and circumstances of the case. In the matter of **Sumita Singh Vs. Kumar Sanjay & Anr.** reported in **AIR 2002 SC 396** it is held that it is wife's convenience that must be looked up.

5. Accordingly, present petition is allowed. Civil Suit No.22A/2019 filed under Section 13(A) of the Hindu Marriage Act which is pending before the Family Court Mahasamund is directed to be transferred to Family Court Baloda Bazar with immediate effect.

6. Both the parties shall remain present before the Court at Baloda Bazar on 03.9.2019 for further proceedings.

Sd/-

(Ram Prasanna Sharma)
JUDGE