

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.34 of 2019**

- Smt. Kamleshwari Sahu W/o Sahasram Aged About 26 Years D/o Keshav Prasad Sahu, R/o C/o Late Masat Ram Sahu, R/o Village Raipura, Police Station Baradwar, Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh.

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

- Sahas Ram S/o Late Sakha Ram Aged About 29 Years Caste Teli, R/o Sutarra (Mohtopara), Tahsil Podi Uroda, Police Station Katghora, District Korba Chhattisgarh.

---- **Respondent**

 For the Petitioner : Shri Ishwar Jaiswal, Advocate
 For the Respondent : None present though served

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****30.9.2019**

1. This transfer petition has been filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, for transferring Civil Suit No.53A/2018 filed under Section 10 of the Hindu Marriage Act, 1955 for judicial separation by the respondent and pending before the Family Court Camp Court Katghora, Distt. Korba to Family Court Janjgir Champa Camp Court Sakti.

2. As per the application, earlier one application under Section 13 of the Hindu Marriage Act was filed by the respondent against the petitioner which was transferred to Camp Court Sakti vide order dated 23.11.2015. The applicant is the resident of Raipura and she has to suffer a lot if the case is tried at Katghora.

3. 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.

4. Accordingly, present petition is allowed. Civil Suit No.53A/2018 filed under Section 10 of the Hindu Marriage Act and pending before the Family Court Camp Court Kaghora Distt. Korba is directed to be transferred to the Family Court Janjgir Champa Camp Court Sakti with immediate effect. The Court at Katghora shall transmit the record of the above mentioned case to the Court at Janjgir Champa.

5. Both the parties shall remain present before the Court at Sakti on 25.11.2019 for further proceedings.

Sd/-
(Ram Prasanna Sharma)
JUDGE