

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.37 of 2019**

- Smt. Janki Sahu W/o Chumman Sahu Aged About 22 Years R/o Village Jaamgaw, Police Station Fhingeshwer, District-Gariyaband, Chhattisgarh, At Present R/o Bodhram Sahu Ward Number-21, Beside Mini Stadium, Subhash Nagar, Police Station Mahasamund, District- Mahasamund, Chhattisgarh.

---- Petitioner

Versus

- Chumman Sahu S/o Tukaram Sahu Aged About 30 Years R/o Village Jaamgaw, Police Station Fhingeshwer, District-Gariyaband, Chhattisgarh.

---- Respondent

 For the Petitioner : Shri Shubhank Tiwari, Advocate
 For the Respondent : Shri Tridib Bhattacharya, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****23.7.2019**

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. 01A/2019 pending in the Court of Additional District Judge, Gariyaband to Family Court at Mahasamund (CG).

2. Learned counsel for the petitioner submits that the respondent/husband has filed application under Section 9 of the Hindu Marriage Act, 1956 for restitution of Conjugal rights. The petitioner/wife is admittedly the resident of Subhash Nagar, Mahasamund and the respondent/husband is the resident of village Jaamgaw which is closed to Fhingeshwer. The wife is residing at Mahasamund at a distance of 15-20 km from the residence of the respondent, i.e. village Jaamgaw while

Gariyaband is a distant place to both sides which is at about a distance of 70 km from the residents of both the parties. Therefore, the above mentioned civil suit may be transferred to Family Court Mahasamund.

3. On the other hand, learned counsel for the respondent opposes the transfer petition.

4. The only question for consideration before this Court is whose convenience shall be preferred for deciding the place of trial. Looking to the facts and circumstances of the case, it would be proper that the case should be transferred to the Court at Mahasamund which is closed to the residents to both parties.

5. Accordingly, present petition is allowed. Civil Suit No.1A/2019 pending before the Court of Additional District Judge, Gariyaband is directed to be transferred to the Family Court Mahasamund with immediate effect.

6. Both the parties shall remain present before the Family Court at Mahasamund on 20.8.2019 for further proceedings.

Sd/-
(Ram Prasanna Sharma)
JUDGE