

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.42 of 2019**

- Smt. Resham Bindra W/o Rajendra Singh Bindra Aged About 28 Years By Caste - Sikh, R/o Plot No. 4, Priyanka Nagar, Road 20 B, Risali District Durg Chhattisgarh.

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

- Rajendra Singh Bindra S/o Shri H. S. Bindra Aged About 37 Years By Caste Sikh, R/o House No. 34, Ward No. 03, M.G. Ward Bacheli, District South Baster Dantewada Chhattisgarh.

---- **Respondent**

 For the Petitioner : Smt. Indira Tripathi, Advocate
 For the Respondent : None present

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

26.9.2019

1. This transfer petition filed by the wife/petitioner under Section 24 of the Code of Civil Procedure, for transferring Civil Case No.16A/2019 filed under Section 9 of the Hindu Marriage Act, 1955 pending before the Court of Additional Sessions Judge (FTC), Distt. Dantewada (CG) to the Family Court Durg (CG).

2. As per the applicant, she is living with her minor daughter, distance between her place i.e. Durg to Dantewada is around 350 Km, therefore, it is very difficult for her to attend the Court at Dantewada.

3. Summon is served to the respondent but he is not represented.

4. Now the point for consideration before this Court is whose inconvenience 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 inconvenience that must be looked up.

5. Accordingly, present petition is allowed. Civil Case No.16A/2019 filed under Section 9 of the Hindu Marriage Act which is pending before the Additional Sessions Judge (FTC), Distt. Dantewada is directed to be transferred to the Principal Judge, Family Court Durg with immediate effect. The Court at Dantewada shall transmit the record of the above mentioned case to the Court at Durg.

6. Both the parties shall remain present before the Court at Durg on 20.11.2019 for further proceedings.

Sd/-
(Ram Prasanna Sharma)
JUDGE