

**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 45 of 2018**

1. Smt. Mamta Giri Goswami W/o Ajay Kumar Giri Aged About 37 Years
2. Nimesh Giri S/o Ajay Giri Aged About 10 Years
3. Ku. Garima S/o Ajay Giri, Aged About 9 Years, Applicant No.1 & 2 Through Natural Guardian Mother Smt. Mamta Giri Goswami,

All R/o Ward No. 7 , Near Santoshi Mandir , Nayapara , Mahasamund, Tahsil Mahasamund , District Mahasamund Chhattisgarh

**---- Petitioners**

**Versus**

- Ajay Giri Goswami S/o Late Suresh Giri Aged About 40 Years R/o Village - Silli, Post - Silli, Tahsil Pamgarh District Janjgir Champa Chhattisgarh.

**---- Respondent**

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| For Petitioners | : | Shri Ravindra Sharma, Advocate |
| For Respondent  | : | None, though served            |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**03/01/2019**

1. Heard.
2. The present petition is filed by the wife and two minor children for transfer of a case filed under Section 9 of the Hindu Marriage Act by the respondent/husband before the Family Court Janjgir to the Family Court, Mahasamund.
3. It is contended on behalf of the petitioner/wife that no maintenance has been granted to the wife and the minor children and it is extremely difficult for them to

travel from Mahasamund to Janjgir as it is not directly connected with the rail route and even otherwise it will consume the entire day, therefore, the case pending before the Family Court, Janjgir may be transferred to the Family Court, Mahasamund.

4. No representation is made on behalf of the respondent despite service of notice.
5. Perusal of the record would show that the respondent/husband was lodged in jail for the reasons that he has not paid any amount of maintenance to the wife and children. Since the amount of maintenance has not been paid it itself becomes a ground and it would be extremely difficult for the wife and minor children to travel from Mahasamund to Janjgir. In view of this, considering the convenience of the wife and two minor children, it is directed that the case bearing No.31/2018 filed under Section 9 of the Hindu Marriage Act by the husband/respondent pending before the Family Court Janjgir shall stand transferred to the Family Court, Mahasamund. The parties shall appear before the Family Court, Mahasamund on 18<sup>th</sup> of February, 2019. In absence of representation on behalf of the respondent on that date, the Family Court, Mahasamund shall issue notice to the respondent for his appearance before the Family Court, Mahasamund.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge

Ashu