

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 47 of 2019****RESERVED ON 6-11-2019****DELIVERED ON 7-11-2019**

Amit Kumar Agrawal S/o Shri Raman Gopal Agrawal Aged About 33 Years
 R/o Near Hanuman Mandir, Manshay Talab, Professor Colony, Raipur, CG,
 Presently Residing At House No. 261, Kalpana Nagar, Raisen Road,
 Bhopal, Tahsil And District Bhopal (M.P.)

---- Applicant**Versus**

Smt. Garima Agrawal W/o Shri Amit Agrawal Aged About 28 Years D/o Shri
 Jagannath Prasad Agrawal, Present Residence LIG 21, HUDCO Quarter,
 Behind Niharika Talkiz, Korba, District Korba, CG

---- Respondent

For applicant	: Mr. Vikash Dubey, Adv.
For Non-applicant	: Mr. Ravindra Agrawal, PL.

Hon'ble Shri Sharad Kumar Gupta, Judge**CAV ORDER**

1. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of HMA-595/2017 pending before the Principal Judge, Family Court, Raipur (CG) to the Family Court, Korba.
2. In brief, the applicant's case is that non-applicant is his legally wedded wife. Presently he is residing at Bhopal. He had filed an application under Section 13 of the Hindu Marriage Act, 1955 before the Principal Judge, Family Court, Raipur which was registered as HMA- 595/2017. Non-applicant also preferred an application under Section 125 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.') before the Judge, Family Court, Korba. Both the parties are not residing at Raipur. It would be convenient for non-applicant if the said case is transferred from Raipur to Korba.
3. In brief the non-applicant's case is that no reasonable ground exists for transferring said case from Raipur to Korba. Despite of the fact that at the time of filing of the said divorce petition both the parties were residing at Pune, applicant chose Raipur for filing divorce petition to harass her. He should not be permitted to choose jurisdictional court.

She prefers to go to Raipur and feels no inconvenience.

4. In the case is hand marriage was solemnized at Raipur. Now none of the parties lives at Raipur. Non-applicant lives at Korba. Application of non-applicant filed under Section 125 of the Cr.P.C. is pending before the Family Court, Korba. Though the non-applicant's stand is that she is not feeling any inconvenience to go to Raipur but looking to the distance from Korba to Raipur and further looking to the practical aspect, it can be presumed that actually it would be convenient for her to face the trial at Korba. More over, non-applicant has to bear the travelling expenses to travel from Korba to Raipur. More over, she had also claimed travelling expenses in her application filed under Section 24 of the Hindu Marriage Act. The Court cannot form its opinion on the basis of pride and prejudice of the parties because pride and prejudice of the parties is totally irrelevant to adjudicate the matter judiciously. The Court is required to focus his attention on the convenience of the both the parties. This Court is of the considered opinion that looking to the convenience of both the parties, said case may be transferred from Raipur to Korba.
5. In view of above the instant transfer petition is allowed. It is ordered that the HMA-595/2017 pending before the Family Court, Raipur be transferred to Judge Family Court, Korba for its trial/ disposal in accordance with law. The Judge, Family Court, Raipur is directed to transmit the record of the above case to the Family Court, Korba.
6. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge

