

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 50 of 2019**

Ajay Singh, S/o - Harinam Singh Parihar, Aged about -26 years,
R/o - 709, Hingna Road, Ward No. 1, Ladi, Layout, Wanadongri,
District - Nagpur Maharashtra.

---- **Petitioner**

Versus

Nikita, D/o - Chandrapal Singh Bhadoria, Aged about -20 years,
(W/o Ajay Singh) R/o -Ward No. 4, Thakur Para, Dantewada
(C.G.)

---- **Respondent**

For Petitioner : Shri Yatharth R Singh, Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

18/07/2019

1. Petitioner has filed this transfer petition for transferring Civil Suit No. 15-A/2019 filed under Section 11 of the Hindu Marriage Act, 1955 (for short "the Act, 1955") pending before the Court of Additional District Judge, Dantewada (C.G.) to Family Court, Raipur (C.G.) or any competent Court.
2. The petition is filed before the Court at Dantewada under Section 11 of the Hindu Marriage Act, 1955 for declaring marriage between the parties null and void on the ground that mentioned in sub-Clause IV and V of Section 5 of the Act, 1955 that they are within the degrees of prohibited relationship. As per petition filed before the said Court, applicant who is claiming to be husband of the respondent is son of Harinam Singh Parihar. As per petition Indrakumari is real sister of Harinam Singh Parihar and Nikita is daughter of Chandrapal Singh who is son of Indrakumari. It is

mentioned in the petition filed before the Court at Dantewada that relationship between petitioner and present applicant is uncle and niece, therefore, marriage be declared void.

3. Admittedly, respondent Nikita is resident of Dantewada and she filed the petition before the Court at Dantewada. As per Section 19(III-A) of the Act, 1955, the law permits her to file petition at Dantewada where she is residing. Respondent is not required to remain present before the Court at Dantewada in every hearing because there is no allegation against the present petitioner in the case filed under Section 11 of "the Act, 1955". Only the prohibited relationship between the parties is the issue which can be substantiated by evidence of ancestors of present petitioner. In view of the above it is not a case to transfer the said suit from Dantewada to any other place.
4. Accordingly, the instant petition is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge