

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 47 of 2016

Snehlata Gupta D/o Shri Shyam Sundar Prasad Gupta, Aged About 33 Years R/o Behind Amar Petrol Pump, Near Banaras Chowk, P. S. And Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

Abhishek Agrawal S/o Late Shri Ramesh Chandra Agrawal Aged About 34 Years R/o House No. C-402, Karsan Heritage Dubey Colony, Mowa, District Raipur, Chhattisgarh

---- Respondent

For petitioner-Shri Nishikant Sinha , Advocate.

For Respondent- Shri H.B. Agrawal, Sr. Advocate with Smt. Prabha Sharma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/01/2019

Heard.

1. Instant petition is for transfer of a case bearing number 481/2015 filed by the respondent/husband seeking divorce from the Family Court, Raipur to the Family Court, Ambikapur wherein petitioner/wife is residing.
2. Learned counsel for the petitioner would submit that the petitioner is non-working lady, she stays at Ambikapur and the divorce case has been filed by the husband at Raipur, it is extremely difficult for her to travel altogether with her kids for more than 350 kms to Raipur as it takes over night journey. It is further contended that one petition is already pending under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate, Ambikapur. It is further contended that no maintenance has been granted to the petitioner and in order to contest the case properly it would be proper that case pending before Family Court, Raipur be transferred to the Family Court, Ambikapur.
3. Learned counsel for the respondent opposes the argument and

submits that there are always chances of manhandling exist to the husband if he travels to Ambikapur and several reports were made, therefore under the circumstances case may be transferred to the other court.

4. Perused the documents filed along with the petition. Allegation and counter allegation have been made by both the husband and wife. Respondent is not able to contend that how much maintenance have been paid instead stated that 125 Cr.P.C. proceeding have been dismissed. Taking into facts of this case, it appears that maintenance has not been granted till date, it itself becomes a ground for transfer. Under the circumstances, considering the convenience of the wife and the fact that it appears from the record that in other case under Section 138 of the Negotiable Instruments Act respondent is appearing before the Judicial Magistrate, Ambikapur. Under the circumstances, taking into convenience of the wife as distance from Ambikapur to Raipur is more than 350 kms away, it is directed that case bearing number 481/2015 pending before the Family Court, Raipur shall stand transferred to the Family Court, Ambikapur. Parties shall appear before the Family Court, Ambikapur on 6th February, 2019.

5. Accordingly, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE