

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 61 of 2019**

Smt. Shilpi Das W/o Vishal Rai Aged About 29 Years R/o C/o Deepak Das
R/o House N. 03, Street No. 1, Ward No. 60, Hind Nagar, Risali, Bhilai
District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- **Petitioner**

Versus

Vishal Rai S/o Vimal Kumar Rai Aged About 32 Years Occupation Network
Engineer, Rit College, House No. 7/4. Govind Nagar, Pandit Ravishankar
Ward Police Station Civil Line, Raipur, Tahsil And District Raipur (C.G.).

---- **Respondent**

For the Petitioner	:	Shri Jitendra Gupta, Advocate
For the Respondent	:	Shri Akash Kundu, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**21/10/2019**

1. Counsel for the respondent submitted that he is not inclined to file reply.
2. Admit.
3. With the consent of both the parties matter is heard finally.
4. Applicant has preferred this Transfer Petition under Section 24 of the Civil Procedure Code (for short, 'CPC') to transfer the Civil Suit No. 503/2019 pending before the First Additional Principal Judge, Family Court, Raipur to Family Court, Durg.
5. In brief the petitioner's case is that her marriage was solemnized with respondent according to Hindu Rights and Rituals. He filed an application under Section 12 of the Hindu Marriage Act against her in First Additional Principal Judge Family Court at Raipur. The number of the Civil Suit is 503/2019. She is resident of Risali. She is suffering from mental sickness and depression. Her parents are also ill and nobody to look after them.
6. Counsel for the respondent submitted that from the residence of

petitioner Raipur is not far away. The distance from the residence of respondent to Raipur is near about 35 Km. From her residence Durg is near about 10-15 Km.

7. Applicant's residence is not far away from Raipur. No hardship would be caused to her if she goes from her residence to Raipur. Moreover, from Bhilai to Raipur frequent means of conveyance are available. In these circumstances it does not appear proper to transfer the aforesaid case from the Court of First Additional Principal Judge, Family Court, Raipur to the Court of Family Court, Durg. Consequently, the said application under Section 24 of the CPC is rejected.
8. Looking to the facts and circumstances of the case parties are bear to their own cost.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde