

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 80 of 2019**

- Smt. Laxminidhi Vishwakarma W/o Avakash Vishwakarma Aged About 25 Years R/o Near Calcutta Sweets, Bhawani Nagar, Sirgitti, Ward No. 4, Bilaspur Tahsil And District - Bilaspur Chhattisgarh

---- Applicant**Versus**

- Avakash Vishwakarma S/o Shri B. P. Vishwakarma Aged About 30 Years R/o H I G - 15, Pt. Ravishankar Shukla Nagar, Korba, Tahsil And District - Korba Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Brijesh Singh, Adv.
For Non-applicant	: Mr. Vikash Pandey, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****17.12.2019**

1. Heard on I.A.No.2/2019 application for taking document on record.
2. After due consideration I.A.No.2 is allowed and the document produced along with said document is taken on record.
3. I.A. No.2 disposed of accordingly.
4. With the consent of both the parties matter heard finally.
5. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 84-A/2019 pending before the Family Court, Korba (CG) (Avakash Vishwakarma -v- Laxminidhi Vishwakarma) to the Family Court, Bilaspur.
6. In brief, the applicant's case is that she is legally wedded wife of non-applicant. She is resident of Bilaspur whereas he is resident of Korba. He has filed an application under Section 13 of the Hindu Marriage Act, 1956 against her before the Family Court Korba, which was registered as Civil Suit No.84-A/2019. She is facing difficulty in attending the proceeding of the case which is pending before Family Court, Korba. It is painful for her to go to Korba from Bilaspur.

7. Counsel for the respondent submitted that distance between Bilaspur to Korba is short. Applicant is getting the maintenance allowance.

8. In support of case of non applicant, counsel for non applicant placed reliance on the order of Coordinate Bench of this Court passed on 11.09.2019 in the matter of **Smt. Mohini Bai -V- Bodhi Ram Sonkar** passed in TPC No. 65 of 2019.

9. Counsel for the non applicant further placed reliance on the order of this Court passed on 20.11.2019 in the matter of **Smt. Versha Singh -V- Prince Singh** in TPC No. 74 of 2019.

10. In the matter of **Anindita Das -v- Srijit Das** [(2006) 9 SCC 197] Hon'ble Supreme Court has observed in Para No. 2 which reads as under:-

(2) In support of this petition, a large number of authorities have been cited, namely, *Reena Bahri v. Ajay Bahri* [(2002) 10 SCC 136] , *Leena Mukherjee v. Rabi Shankar Mukherjee* [(2002) 10 SCC 480] , *Ram Gulam Pandit v. Umesh J. Prasad* [(2002) 10 SCC 551] and *Rajwinder Kaur v. Balwinder Singh* [(2003) 11 SCC 726] . These authorities are all based on the facts of their respective cases. They do not lay down any particular law which operates as a precedent.

11. Looking to the aforesaid observation made by Hon'ble Supreme Court in the matter of **Anindita Das** (Supra) this Court finds that aforesaid orders passed by Coordinate Bench of this Court in the matter of **Smt. Mohini Bai** (Supra) and by this Court in the matter of **Smt. Versha Singh** (Supra) are based on the facts of their respective cases. No legal principle has been laid down which operates as a precedent.

12. In the case in hand from Bilaspur to Korba, distance in train route is 89 km and by road, it is 93 km.

13. It is not necessary for applicant to go to Korba to attend the proceeding in each and every date. She can be represented by the counsel also.

14. In the case in hand, applicant is also getting the travelling expenses from non applicant.

15. Looking to the above mentioned facts and circumstances of the case, this Court finds that in the case in hand there is no material inconvenience to applicant in going to Korba from Bilaspur for attending the proceeding.

16. Subsequently, the instant TPC is deserves to be and is hereby

dismissed.

17. Looking to the above I.A.No.1 stands disposed of accordingly.

18. No order as to costs.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul