

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P(C) No.71 of 2018**

Smt. Kanchan Kachhawaha W/o Nitesh Kachhwaha, Aged About 33 Years
Caste Khatik, R/o Pendraroad, Behind Station, Near Jain Temple, P.S. Gurela,
Tahsil Pendraroad, District Bilaspur Chhattisgarh At Present Address S/o Shri
Sunil Kachhwaha, Kanchan Kakri Stor, Manendragarh, Ward No. 12,
Sabjimandi Road, P.S. And Tahsil Manendragarh, District Koriya Chhattisgarh,
District : Koriya (Baikunthpur), Chhattisgarh

---- **Petitioner****Versus**

Nitesh Kachhawaha @ Tipu S/o Shri Ashok Kachhwaha, Aged About 34 Years
Caste Khatik, R/o Pendraroad, Behind Station, Near Jain Temple, P.S.
Gourela, Tahsil Pendraroad, District Bilaspur Chhattisgarh, District : Bilaspur,
Chhattisgarh

---- **Respondent**

For Petitioner:
For Respondent:

Shri Suresh Verma, Advocate.
Shri Mayank Kumar, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

07.03.2019

1. This Transfer Petition has been preferred under Section 24 of the Code of Civil Procedure, 1908 by the Petitioner/wife Smt Kanchan Kachhawaha praying for transfer of Case No.22-A/2018 initiated under Section 9 of the Hindu Marriage Act, 1955 by the Respondent/husband before the Additional District Judge, Pendra Road, District Bilaspur to the Family Court, Mandendragarh, Distt Korea.

2. Learned Counsel for the Petitioner submits that the marriage between the parties was solemnized on 23.01.2013 and two children were born out of the said wedlock. According to him, one is aged about 3 ½ years and the other is 3 ½ months. It is submitted further that the Petitioner is residing not only

with her minor children but also with her old parents, who are physically unfit and therefore, it is difficult for her to attend each and every hearing of the case to be held at the Court of Pendra Road, District Bilaspur. He therefore prays for transfer of the said matter i.e. Case No.22-A/2018 pending before the Court of Additional District Judge, Pendra Road, District Bilaspur to the Family Court at Manendragarh, District Korea where an execution proceeding initiated by the Petitioner in pursuance to the order dated 04.05.2018 passed under Section 125 Cr.P.C is pending.

3. On the other hand, while opposing the said prayer, Shri Mayank Kumar, learned Counsel for the Respondent/husband submits that the distance between the two Courts is not far enough to be travelled by the Petitioner/wife and therefore, the Petition deserves to be rejected.

4. Having considered the facts and circumstances of the case, considering further the fact that the Petitioner/wife is residing along with her minor children as also physically unfit old parents, I am inclined to allow the Transfer Petition.

5. Accordingly, it is directed that Case No.22-A/2018 initiated by the Respondent/husband under Section 9 of the Hindu Marriage Act before the Additional District Judge, Pendra Road, District Bilaspur shall stand transferred to the Family Court at Manendragarh, District Korea.

6. The Court of Additional District Judge, Pendra Road, District Bilaspur is hereby directed to send the concerned record immediately to the Family Court, Manendragarh, District Korea who in turn, shall issue fresh notices to both the parties and decide the matter in accordance with law. There shall be no order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE