

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 1 of 2020**

- Smt. Uma Khuntiya @ Uma Yadav W/o Sudhir Khuntiya Aged About 25 Years R/o Village - Tiklipara, Post - Tumla, Police Station Tumla, Tahsil Tapkara, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant**Versus**

- Sudhir Khuntiya S/o Murlidhar Khuntiya Aged About 30 Years R/o Alok Bhattacharya, Near Lokbharti, Ward No. 11, Rajeev Nagar (Ramnagar), Bhilai Nagar, District Durg Chhattisgarh At Present Resident Of House No. 224, Korwa Bahar Gaon, Beldegi, Post - Beldegi, Police Station And Tahsil Patthalgao, District Jashpur Chhattisgarh. Pin 496220. Another Address M.D.K. Career Point, Near Tindarshan Mandir, Saksharta Chowk, G.E. Road, Supela, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For applicant : Shri Harish Khuntiya, Adv.
For Non-applicant : Ms. Renu Kochar, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****16.03.2020**

1. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 426/2019 (Sudhir Khuntiya -v- Smt. Uma Khuntiya @ Uma Yadav) pending before the Court of the First Additional Principal Judge, Family Court, Durg (CG) to the Family Court, Jashpur.
2. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. She has filed an application under Section 125 of the Criminal Procedure Code before the Family Court, Jashpur. He has filed an application under Section 9 of the Hindu Marriage Act, 1955 which is registered as Civil Suit No. 426/2019 pending before the Principal Judge, Family Court, Durg. She resides at village Tiklipara, district Jashpur whereas he resides at Supela-Bhilai, district Durg. The distance from Jashpur to Durg is 600 km away. Being a lady she cannot travel alone from Jashpur to Durg. She is dependent upon her parents.
3. Counsel the non-applicant submitted that Non-applicant is ready to bear the traveling expense of applicant.
4. As per internet, the distance from Jashpur to Durg is 493 km. The

distance from village Tiklipara to district Jashpur is not traceable.

5. Being a lady, it would be difficult for the applicant to go to Durg from Jashpur to prosecute said case and return back. Mere, this fact that non-applicant is ready to bear the traveling expense would not compensate the difficulties and the problems which may be faced by the applicant.
6. Looking to the above mentioned facts and circumstances of the case, this Court finds that the instant application deserves to be and is hereby allowed. It is ordered that the Civil Suit No. 426/2019 pending before the Additional Principal Judge, Family Court, Durg be transferred to Judge, Family Court, Jashpur for its trial/disposal in accordance with law. The Judge, Family Court, Durg is directed to immediately transmit the records of the above suit to the Court of Judge, Family Court, Jashpur for further proceedings.
7. In view of the above I.A. No. 1 also stands disposed off.
8. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge