

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 12 of 2019**

Pinki Sharma, W/o Shri Rinku Sharma, aged about 28 years, R/o HIG 1/6, Aditya Nagar, Durg, Civil and Revenue District Durg, Permanent residence of C/o Ramadhar Sharma, Sai Nagar, Jail Road, Raipur, Tahsil and District Raipur (CG).

---- Applicant**Versus**

Rinku Sharma, S/o Shri Jagatnarayan Sharma, aged about 32 years, R/o World Bank Colony, Kurud, MIG 1/179, V Nagar, Kurud, District Durg. Permanent resident of HIG 1/6 Aditya Nagar, Durg, Civil and Revenue District Durg (CG).

---- Non-applicant

For Applicant	:	Mr. Mayank Chandrakar, Advocate
For Non-applicant	:	Mr. Ishan Verma, Advocate

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****22.09.2020**

1. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short, 'CPC') for transfer of Civil Suit No.499/2018 (Rinku Sharma Vs. Pinki Sharma) pending before the Third Additional Principal Judge, Family Court, Durg to the Family Court, Raipur (CG).
2. In brief, the applicant's case is that she is legally wedded wife of non-applicant. Now, she is residing at Raipur, whereas he is resident of Kurud, District Durg. He has filed an application under Section 13 of the Hindu Marriage Act, which is pending before the Third Additional Principal Judge, Family Court, Durg. She has also filed an application under Section 125 of Criminal Procedure Code, which is pending before the Family Court, Raipur. It is very difficult for her to travel alone to attend the court proceedings before the Third Additional Principal Judge, Family Court, Durg. She is not getting any interim maintenance in her case from him. He is an influential person and threatened her. Being a lady, it would be difficult for her to travel from Raipur to Durg and vice-versa to attend the court proceedings. In

divorce petition, he himself pleaded that he had left the matrimonial house.

3. Counsel for the non-applicant submitted that the distance between from Durg to Raipur is very short. In the maintenance case, there is a order in favour of the applicant directing the non-applicant that he must pay Rs.10,000/- per month to her as interim allowance for the maintenance.

4. There is no such material available on record on the strength of which, it can be said that the non-applicant had allegedly threatened the applicant.

5. The distance between from Raipur to Durg is about 40 kms. Both the places are well connected by train, bus and taxi. Who left the matrimonial house would not be the ground for transfer of the case.

6. Looking to the above mentioned facts and circumstances of the case, this Court finds that the applicant is failed to show strong grounds for transfer of the said Civil suit.

7. Consequently, the instant transfer petition deserves to be and is hereby dismissed.

8. In view of above, I.A. No.1 is disposed of accordingly.

9. No order as to costs.

SD/-
(Sharad Kumar Gupta)
Judge