

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 46 of 2019**

- Smt. Priyanka Rao W/o Piyush Rao Aged About 26 Years D/o Shri Shekhar Rao Jadhav, R/o Post Office Ward, Bans Para Dhamtari, Police Station And Tahsil- Dhamtari, District- Dhamtari, Chhattisgarh.....(Non Applicant), District : Dhamtari, Chhattisgarh

---- Applicant**Versus**

- Piyush Rao S/o Chandra Shekhar Rao Aged About 28 Years R/o Shri Krishna Nagar, Ward No. 18, Qr. No. 75, Balodabazar, Tahsil Balodabazar, District- Balodabazar-Bhatapara, Chhattisgarh.....(Applicant), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For applicant : None.
For Respondent : Shri M.K. Sinha, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****15.01.2020**

1. Heard on I.A. No. 1/2020, application for taking document on record.
2. After due consideration I.A. No. 1/2020 is allowed and the document filed along with I.A. 1/2020 is taken on record.
3. I.A. No. 1/2020 is disposed off accordingly.
4. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code, 1908 (in short 'CPC') for transfer of Case No. H.M.A. No. 58A/2018 (Piyush Rao -v- Smt. Priyanka Rao) pending before the District Judge, Baloda Bazar (C.G.) to the Family Court, Dhamtari (C.G.).
5. Counsel for the respondent submitted that H.M.A. No. 58A/2018 for which the transfer was sought by the applicant has been withdrawn by the respondent, hence the instant transfer petition has become infructuous.
6. As per the certified copy of the order sheet dated 08.08.2018 respondent had filed the application under Section 9 of the Hindu Marriage Act against the applicant which was registered as H.M.A.

58A/2018 by the District Judge, Baloda Bazar.

7. As per the certified copy of the order sheet dated 22.10.2019 of the Family Court, Baloda Bazar Civil Suit No. A/29/2019 (titled as Piyush Rao vs. Priyanka Rao) was dismissed as respondent did not press the case.
8. Prima facie it appears that earlier H.M.A. No. 58A/2018 presented before the District Judge, Baloda Bazar was re-numbered as Civil Suit No. A/29/2019 by the Family Court, Baloda Bazar.
9. Looking to the above mentioned facts and circumstances of the case this Court finds that the Civil Suit which was sought to be transferred by the applicant no longer remains pending before the Family Court, Baloda Bazar. Hence, this transfer petition has become infructuous.
10. Accordingly, the instant transfer petition is dismissed having become infructuous.

Sd/-
(Sharad Kumar Gupta)
Judge