

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 79 of 2019**

- Seema Parakh W/o Shri Manoj Parakh Aged About 45 Years R/o Kamthi Line, Rajnandgaon District- Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- Manoj Parakh S/o Shri Laxmi Lal Ji Parakh Aged About 47 Years R/o Care of Shri Kushal Jewelers, Near Ganj Mandi, Nayapara, Tehsil-Rajim, District- Raipur Chhattisgarh

---- Respondent

For applicant	: Mr. Sharad Mishra, Adv.
For Non-applicant	: Mr. Anand Gupta, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORAL ORDER****16-1-2020**

1. Heard finally.
2. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 288/2019 pending before the 2nd Addl. Principal Judge, Family Court, Raipur (CG) (Manoj Parakh -v- Seema Parakh) to the Family Court, Rajnandgaon.
3. In brief, the applicant's case is that she is legally wedded wife of non-applicant. She is resident of Rajnandgaon whereas he is resident of Rajim, Distt. Raipur. He has filed an application under Section 13 of Hindu Marriage Act, 1955 which is pending before the 2nd Addl. Principal Judge, Family Court, Raipur which was registered as Civil Suit No. 288/2019. She has also filed an application under Section 125 of the Cr.P.C. which is pending before the Family Court, Rajnandgaon. She is dependent upon her old parents. She has to frequently visit to doctor for regular treatment. She has genuine apprehension about her safety in going to Raipur.
4. In brief the non-applicant's case is that applicant and her brother had threatened him hence if he goes to Rajnandgaon he will face dire consequences. Raipur is at equal distance from Rajim as well as Rajnandgaon.
5. Counsel for the applicant drew my attention on Annexure P-2 collectively.

6. From Raipur, Rajnandgaon is about 71 km away. Both the places are well connected by train as well as by road.

7. In the case in hand, no material is available on record on strength of which it can be said that after filing of the divorce case non-applicant threatened the applicant, hence it cannot be said that if applicant goes to Raipur, her safety would be in danger.

8. There is no material available on record on the strength of which it can be said that applicant is suffering from such medical problem due to which she cannot travel such a short distance. The medical prescriptions filed along with the petition relate to the year 2017 and 2018 whereas the divorce petition was filed on 18-2-2019.

9. In the case in hand applicant can file an application for maintenance and for travelling expenses in said divorce case.

10. Moreover, it is not necessary for applicant to appear in person on each and every day in said divorce case and she may be represented in said divorce case through a counsel.

11. No sound reasons exists in favour of applicant for transfer of said divorce case. The instant transfer petition deserves to be and is hereby dismissed.

12. In view of above order, I.A. No. 1/2019 stands rejected.

13. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge