

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 91 of 2019**

Smt. Varsha Sharma, age about 29 years, W/o Shri Dhiresh Kumar Sharma, R/o Village Badgaon, Tahsil Daundi-Lohara, District Balod (C.G.).

---- Applicant

Versus

Dhiresh Kumar Sharma, age about 30 years, S/o Shri Harish Kumar Sharma, R/o Vinayak Stree, Matra Chaya, Bhavan, Adarsh Nagar, Mova, District Raipur (C.G.).

---- Non-applicant

For the Applicant	:	Shri Mahesh Kumar Mishra, Advocate
For the Non-applicant	:	None though notice has been served

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/02/2020**

1. Final argument heard.
2. Applicant has preferred this transfer petition under Section 24 of Code of Civil Procedure (for short, 'CPC') for transfer of HMA No. 593/2017 pending before Principal Judge Family Court, Raipur ('Dhiresh Kumar Sharma vs. Smt. Varsha Sharma') to Principal Judge Family Court, Durg.
3. In brief the applicant's case is that she is legally wedded wife of non-applicant. She is resident of village Badgaon, District Balod, whereas he is resident of Raipur. He has filed an application under Section 13 of the Hindu Marriage Act before the Principal Judge Family Court at Raipur, which is registered as HMA No. 593/2017. She has also filed an application under Section 125 of Criminal Procedure Code which is pending before Family Court, Link Court, Balod. She has also filed an application under Section 12 of the Domestic Violence Act, which is also pending before JMFC, Doundilohara, District Balod. It is very difficult and inconvenient for her to attend the proceedings at Family Court, Raipur. Bus/taxi service from her village Badgaon to Raipur is miserable and takes long time.
4. From village Badgaon to Raipur distance is about 119 Km. It would be

difficult for her to go Raipur for attending the proceedings at Family Court Raipur and return back.

5. Looking to the above mentioned facts and circumstances of the case this Court finds that balance of convenience is in favour of applicant and sound grounds are exists in her favour.
6. Consequently, the instant transfer petition is partly allowed and it is ordered that HMA No.593/2017 pending before the Principal Judge Family Court, Raipur be transferred to Family Court, Balod, District Balod for its trial/disposal in accordance with law. The Principal Judge Family Court, Raipur is directed to transmit the record of the above case to the Family Court, Balod, District Balod (C.G.).
7. No order as to costs.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde