

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 86 of 2019**

- Smt. Seema Sahu W/o Umashankar Sahu Aged About 30 Years R/o Opp. Saw Mill, Main Road, Sakri, P. S. Sakri, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- Umashankar Sahu S/o Ram Pratap Sahu Aged About 34 Years R/o House No. 941, Ward No. 21, Behind K.C. C. College, Budhwari, Korba Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For applicant	: Shri Ravindra Agrawal, Adv.
For Non-applicant	: Shri Ashutosh Shukla, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****04.03.2020**

1. With the consent of both the parties, the matter is 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. 110-A/2019 (Umashankar Sahu -v- Smt. Seema Sahu) pending before the Court of the Principal Judge, Family Court, Korba (CG) to the Family Court, Bilaspur.
3. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. She resides at Sakri whereas non-applicant resides at Korba. He has filed an application under Section 9 of the Hindu Marriage Act, 1955 which is registered as Civil Suit No. 110-A/2019 pending before the Principal Judge, Family Court, Korba. She has also filed application under Section 125 of the Code of Criminal Procedure before the family Court, Bilaspur. She has a minor child. It is difficult for her to appear in the proceedings of the said case at Korba. On 26.09.2019 from the Family Court, Korba he had taken her child without her consent and returned back her after three hours. He abused her, gave threats to kill.
4. Counsel the non-applicant submitted that a number of modes of conveyance are available from Bilaspur to Korba and vice-versa. Pleadings are complete in that case. Non-applicant is giving maintenance to her.

5. Counsel for the applicant placed reliance on an order of this Court dated 12.12.2019 passed in the matter of Dr. Deepti Choudhry vs. Dr. Stayam Patel in TPC No. 40/2019.
6. In the said order this Court has not laid down any judicial precedent, thus the applicant does not get any help from said order.
7. Sakri is about 8 km away from Bilaspur. Bilaspur to Korba distance is about 93 km. It would be difficult for her to prosecute the proceedings of said case at Korba along with the child. Moreover as per Annexure P/3 written by applicant addressed to S.P., Korba dated 28.09.2019, on 26.09.2019 at Family Court, Korba non-applicant had taken the child from her custody, abused her and gave threatening to kill. Mere providing maintenance does not compensate the inconvenience.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that sound grounds exist in the case in hand for transfer of the said case. Consequently, the instant transfer petition is allowed. It is ordered that the Civil Suit No. 110-A/2019 pending before the Judge, Family Court, Korba be transferred to Principal Judge, Family Court, Bilaspur for its trial/disposal in accordance with law. The Judge, Family Court, Korba is directed to transmit the records of the above suit to the Court of Principal Judge, Family Court, Bilaspur for further proceedings.
9. In view of the above I.A. No. 1 also stands disposed off.

Sd/-
(Sharad Kumar Gupta)
Judge