

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 105 of 2019**

Smt. Archana Markam, D/o late Devnarayan Markam, W/o Bhavesh Kumar Singh, aged about 35 years, R/o Nehru Nagar (East), Bhilai, Durg, District Durg (CG).

---- Applicant**Versus**

Bhavesh Kumar Singh, S/o Bhagwan Singh, aged about 37 years, Occupation Business, R/o Rajapara, Garhbhittar, Raigarh, District Raigarh (CG).

---- Non-applicant

For Applicant	:	Mr. Amiyakant Tiwari, Advocate
For Non-applicant	:	Mr. Avinash Chand Sahu, Advocate

Hon'ble Shri Sharad Kumar Gupta, Judge**ORAL ORDER****26.02.2020**

1. With the consent of both the parties, the matter is heard finally.
2. The applicant has preferred this TPC under Section 24 of the Code of Civil Procedure, 1908 (in short, 'CPC') for transfer of Civil Suit No.104-A/2019 (**Bhavesh Kumar Singh -v- Smt. Archana Markam**) pending before the Principal Judge, Family Court, Raigarh to Family Court at Durg.
3. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. She is resident of Bhilai, District Durg, whereas he is resident of Raigarh. She has filed an application under Section 125 of Criminal Procedure Code, 1973 (in short, 'CrPC') before the Family Court, Durg which is still pending. He has also filed an application under Section 9 of the Hindu Marriage Act, 1955 which is pending before the Family Court, Raigarh. She feels difficulty to prosecute the said case at Raigarh.
4. Counsel for the non-applicant submitted that the applicant had not taken any ground regarding threat allegedly given by the non-applicant.
5. In the case in hand, the distance between from Bhilai to Raigarh is about 265 kms. The applicant would feel difficulty to go to Raigarh

from Bhilai and vice-versa.

6. Looking to the above mentioned facts and circumstances of the case, this Court is of the considered opinion that the balance of the convenience is in favour of the applicant. Consequently, the instant transfer petition deserves to be and is hereby allowed. It is ordered that the Civil Suit No.104-A/2019 pending before the Family Court, Raigarh be transferred to the Principal Judge, Family Court, Durg for its trial/disposal in accordance with law. The Family Court, Raigarh is directed to transmit the records of the above suit to the Principal Judge, Family Court, Durg for further proceedings.
7. In view of above order, I.A. No.1 stands disposed of.
8. No order as to costs.

sd/-
(Sharad Kumar Gupta)
Judge

L/-