

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 02 of 2021**

- Sweety Bhavya Meharchandani, aged 31 years, W/o Manjeet Meharchandani, C/o Ashok Kumar Tilwani, R/o Hanuman Nagar, Kalibadi, Tahsil and District Raipur (C.G.)

---- Petitioner**Versus**

- Manjeet Meharchandani, aged 33 years, S/o Ramesh Meharchandani, R/o House No.2, Om Garden, near Archana Vihar, Nehru Nagar, P.S. Civil Lines, Bilaspur (CG)

---- Respondent

For Petitioner	:	Shri Akash Kumar Kundu, Advocate.
For Respondent	:	Shri Shalvik Tiwari, Advocate

Hon'ble Shri Justice Sanjay S. Agrawal**Order on Board****06.08.2021**

1. This petition has been filed by the petitioner – wife under Section 24 of the Civil Procedure Code, 1908 (hereinafter referred to as the CPC) for transfer of the Civil Suit No.180-A/2020 “Manjeet Meharchandani vs. Sweety Bhavya Meharchandani” pending before the Principal Judge, Family Court, Bilaspur, District Bilaspur to Principal Judge, Family Court, Raipur, District Raipur.
2. According to the petitioner, her marriage was solemnized with the respondent on 12.02.2016 at Bilaspur as per the Hindu Rites and Customs and out of their wedlock, a girl, namely, Preet Meharchandani was born on 24.11.2016. It is stated by the petitioner that after solemnization of her marriage, she was subjected to cruelty by her husband and her in-laws and she was thrown out of her matrimonial house on several occasions after

her marriage. It is contended further that even during her pregnancy she was ill-treated by the respondent and her in-laws, who were disappointed as she had given birth to a female child and because of which, the in-laws have also denied her daughter. It is stated further that after getting fed up with the mental and physical cruelty against the petitioner by the respondent and the conduct of his family members, a meeting was convened between the parties by the elders of Sindhi society wherein the respondent was directed on 06.09.2018 by the society to lead the married life peacefully and suggested him to reside on the ground floor of the house at Bilaspur. However, despite the matter being resolved as such, there is no change in the conduct and behaviour of the respondent and her in-laws and moreover has worsened, resulting in, the petitioner was again brutally beaten up on 12.08.2020 by her husband and in-laws and the parents of the petitioner were called on mobile to take away their daughter or else will face grave consequences. Feeling aggrieved by the physical and mental torture by her husband and in-laws, the petitioner was forced out of her matrimonial home on 13.08.2020. It is contended further that the respondent has instituted a suit for dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955, before the Principal Judge, Family Court, Bilaspur, which is registered as Civil Suit No.180-A/2020 (Manjeet Meharchandani vs. Sweety Bhavya Meharchandani). It is contended further that since the respondent is not taking care of her and daughter, therefore, she has also initiated the proceedings for maintenance under Section

125 of the Code of Criminal Procedure, 1973, which is pending consideration before the Principal Judge, Family Court at Raipur.

3. According to the petitioner, she is suffering from acute allergy of dust, for which, she is undergoing treatment at Raipur and due to the said ailment she cannot undertake the strenuous journey from Raipur to Bilaspur. It is, therefore, very difficult for her to attend the proceedings at Bilaspur along with her 4 years' old child. It is contended further that since her father is also suffering from Thyroid and knee pain and is unable to accompany her on each and every date for attending the said proceedings at Bilaspur. With these grounds, the petitioner is praying for the transfer of the said proceedings initiated by her husband for dissolution of marriage from the Court of Principal Judge, Bilaspur to Principal Judge, Family Court, Raipur.
4. While contesting the aforesaid contentions put forth by the petitioner, it is submitted by the respondent that after marriage, the petitioner showed her unwillingness towards his family members and even denied to live with her in-laws. It is contended further that the petitioner often used to travel back to her parents at Raipur even without informing the respondent and her in-laws. It is contended further that in fact the petitioner always used to ask the respondent to leave the matrimonial house and live separately apart from his parents. It is contended further that the petitioner has threatened the respondent that she would cut her hand and attempt to commit suicide if the respondent does not arrange for her separate residence and

being aggrieved with the said behaviour of the petitioner, the respondent started to live separately along with the petitioner in the first floor of his house, even then it was not acceptable to her. It is contended further that owing to acts of the petitioner, the respondent was compelled to lodge a complaint before the Inspector General of Police, Bilaspur while narrating all the incidents and harassment as faced by the respondent.

5. I have heard learned counsel for the parties and perused the documents annexed with the petition carefully.
6. Having considered the aforesaid contentions of the parties and considering further that since the petitioner is living separately along with her minor child and that her case for grant of maintenance under Section 125 of the Cr.P.C. is pending consideration before the Principal Judge, Family Court, Raipur, it would certainly be difficult for her to travel from Raipur to Bilaspur and attend the each and every proceeding as initiated by her husband before the Principal Judge, Family Court, Bilaspur for dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955, and also considering the principles laid down in the matter of ***Amita Shah vs. Virender Lal Shah, Sumita Singh vs. Kumar Sanjay & another*** and ***Rajani Kishor Pardeshi vs. Kishore Babulal Pardeshi*** reported respectively in (2003) 10 SCC 609, (2001) 10 SCC 41 and (2005) 12 SCC 237 wherein the Supreme Court has held that wife's convenience must be looked at in a suit filed by the husband, it would be in the interest of parties to transfer the Civil Suit No.

180-A/2020 filed by her husband before the Principal Judge, Family Court, Bilaspur to Principal Judge, Family Court, Raipur.

7. Consequently, the petition filed by the petitioner – wife is hereby allowed and it is directed that the Civil Suit No. 180-A/2020 filed by her husband before the Principal Judge, Family Court, Bilaspur shall stand transferred to the Principal Judge, Family Court, Raipur for its trial in accordance with law. The concerned Court at Bilaspur is hereby directed to send the record immediately to Principal Judge, Family Court, Raipur, who in turn, shall decide the matter in accordance with law.

Sd/-
(Sanjay S. Agrawal)
Judge

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

TPC No. 02 of 2021

Sweety Bhavya Meharchandani **Versus** Manjeet Meharchandani

4	Through Video Conference
06.08.2021	Shri Akash Kumar Kundu, counsel for the petitioner. Shri Shalvik Tiwari, counsel for the respondent. Heard finally. Order dictated in open Court. Signed and dated separately. Sd/- (Sanjay S. Agrawal) Judge