

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P(C) No.06 of 2021**

Smt. Arti @ Rameshwari Parihar, W/o Shri Shankar Singh, Aged About 29 Years D/o Shri Manoj Singh Parihar, R/o. Near Ganga Sagar, Balod, Tahsil And District Balod Chhattisgarh. **---- Petitioner**

Versus

Shankar Singh Thakur, S/o Shri Ramesh Singh, Aged About 34 Years Occupation Service, R/o. Infront Of Bhart Multi Printers, Om Nagar, Jarhabhatha, Bilaspur, Tahsil And District Bilaspur Chhattisgarh. **---- Respondent**

For Petitioner:	Shri Shikhar Sharma, Advocate.
For Respondent:	Shri Harshawardhan Jaiswal, Advocate.

Hon'ble Shri Justice Sanjay S. Agrawal

Order On Board Through Video Conference**02.08.2021**

1. This Petition has been filed by the wife/Petitioner seeking transfer of case bearing Civil Suit No.02-A/2021 pending before the Principal Judge, Family Court, Bilaspur, District Bilaspur to the Court of Principal Judge, Family Court, Balod, District Balod.

2. According to the Petitioner, her marriage was solemnized with the Respondent on 26.02.2020 in accordance with the Hindu rites and customs. It is stated that immediately after the solemnization of her marriage, the Respondent and his family members started harassing her mentally and physically for demand of dowry, which compelled her to reside at her parental home. It is stated further that owing to the said harassment of her husband and in-laws, a report was lodged in the Mahila Thana, Balod in the month of December, 2020 and the matter is still under investigation and FIR has, therefore, not been registered till date. Further contention of the Counsel

appearing for the Petitioner is that the brother-in-law (*jija*) of the Respondent has called the family members of the Petitioner-wife and thereafter, they threatened to kill them for which, an application was also made to the local police station and due to this reason, the Petitioner is apprehending threat for her life if she goes to Bilaspur where the said Petition for restitution of conjugal rights has been filed by the Respondent under Section 9 of the Hindu Marriage Act, 1955. It is submitted further that the distance of the Family Court, Bilaspur is 300 kms away from her home and as her father is a Government employee, while her mother is an old lady and brother is living separately, therefore, it is difficult for her to attend the said proceedings in the Family Court, Bilaspur alone and prays for transfer of the said proceedings from the Court of Principal Judge, Family Court, Bilaspur to the Court of Principal Judge, Family Court, Balod.

3. In support, Shri Sharma has placed his reliance upon the principles laid down in the matters of Sumita Singh Vs. Kumar Sanjay and Another reported in (2001) 10 SCC 41 and Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi reported in (2005) 12 SCC 237.

4. On the other hand, Shri Jasiwal, while opposing the said application, submits that since the Respondent is a Government servant and is serving as a Key Holder at Gramin Bank, Masturi, District Bilaspur, therefore, it would be very difficult for him to go and attend every enquiry and trial if the case is transferred to the Court of Principal Judge, Family Court, Balod as in the said event, the Respondent has to take casual leave with the permission of his superior authority from Regional Office which would be very difficult to get as the Branch at Masturi consists of only two persons as its staff and therefore, it would be infeasible for him if the said case is transferred to the Court of Principal Judge, Family Court District Balod.

5. I have heard learned Counsel for the parties and perused the entire documents annexed with it carefully.

6. Having considered the aforesaid contentions of learned Counsel for the parties and considering further the fact that since the Petitioner is living along with her old parents and it would therefore be difficult for her to travel from Balod to Bilaspur to attend the proceedings as initiated by her husband before the Family Court at Bilaspur for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and also considering the principles laid down in the matters of Sumita Singh Vs. Kumar Sanjay and Another and Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (supra) wherein, the convenience of the wife has been held to be taken into account, therefore, this Court is of the opinion that it would be just and proper to transfer the said case i.e. Civil Suit No.2-A/2021 filed by the Respondent before the Court of Principal Judge, Family Court, Bilaspur to the Court of Principal Judge, Family Court, Balod.

7. Consequently, the Petition filed by the Petitioner – wife is hereby allowed and it is directed that Civil Suit No.2-A/2021 filed by her husband pending before the Court of Principal Judge, Family Court, Bilaspur shall stand transferred to the Court of Principal Judge, Family Court, Balod for its trial in accordance with law. The concerned Family Court at Bilaspur is hereby directed to send the concerned record immediately to the Court of Principal Judge, Family Court, Balod, who in turn, shall decide the matter in accordance with law.

Sd/-
(Sanjay S. Agrawal)
JUDGE