

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 28 of 2019**

- Kiran Sharma D/o Late Balwant Sharma Aged About 40 Years R/o Police Line Sharda Colony Shahdol District- Shahdol, Madhya Pradesh.

---- Petitioner**Versus**

- Amit Sharma S/o Late Kishor Sharma Aged About 45 Years R/o Near Santoshi Mandir Main Road Sraipali P.S. And Tahsil- Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. A.N. Pandey, Advocate.
For Respondent	:	Ms. Ankita Shriwas, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/02/2021**

1. This is a petition under Section 24 of the Code of Civil Procedure, 1908 (in short 'CPC') seeking transfer of Civil Suit No. 1A/2018 (Amit Sharma Vs. Smt. Kiran Sharma), pending before learned Judge Family Court, Mahasamund Camp Court, Saraipali, District-Mahasamund (C.G.) to Jurisdictional Court Pendra Road, District-Bilaspur (C.G.).
2. Brief facts of the case are that the marriage of Smt. Kiran Sharma applicant herein was solemnized with the respondent Amit Sharma on 19.02.2009 according to Hindu custom. After some time of marriage, the respondent-husband and his family members started harassing the applicant-wife physically and mentally and demanded dowry. On 09.06.2009, the applicant-wife was thrown out from the house by the respondent since the applicant-wife is residing with his parents at Shahdol (M.P.). The applicant-wife file an application under Section 125 of Cr.P.C. for grant of maintenance against the respondent-husband before the Family Court Shahdol (M.P.) which was allowed and granted Rs. 1000/- per month as maintenance. The respondent-husband filed an application under Section 13(i) (a) of Hindu Marriage

Act, 1955 for dissolution of marriage by decree of divorce before the learned Judge Family Court, Mahasamund Camp Court Saraipali, District Mahasamund (C.G.) which is pending before the learned Family Court, Mahasamund, District Mahasamund. Now, petitioner has filed the instant transfer petition before this Court stating *inter alia* that presently she is residing at Shahdol (M.P.) and she is facing great difficulties in attending proceedings before the learned Family Court, Mahasamund District Mahasamund (C.G.) which is near about 450 Km away from the Shahdol. Therefore, the Civil Suit No. 1A/2018 pending before the learned Family Court, Mahasamund, Districtt-Mahasamund (C.G.) be transferred to the Jurisdictional Court Pendra Road, District-Bilaspur (C.G.) for hearing and disposal in accordance with law.

3. Mr. A. N. Pandey, learned counsel for the applicant submits that the applicant/wife is residing at Shahdol (M.P.) and she is facing great difficulties in attending the proceeding at Family Court, Mahasamund as the distance between Shahdol to the learned Family Court, Mahasamund, where matrimonial suit has been instituted by respondent/husband is near about 450 Kms. She further submits that it is settled position of law that the convenience of wife is relevant factor over the convenience of the husband. Therefore, application under Section 9 of Hindu Marriage Act pending in the file of Family Court, Mahasamund Camp Court-Saraipali, District-Mahasamund be transferred to the file of Jurisdictional Court, Pendra Road, District-Bilaspur (C.G.).
4. On the other hand, learned counsel for the respondent/husband submits that she has no objection if the case is transferred to the Family Court, Bilaspur, District- Bilaspur instead jurisdictional Court Pendra Road, District Bilaspur, to which learned counsel for the applicant-wife has raised no objection.
5. I have heard learned counsel for the parties and considered the rival submission and have perused the memo of petition and other papers.
6. Admittedly, the distance between Shahdol, District Shahdol, where the applicant/wife is residing, to the Family Court, Mahasamund, Camp Court Saraipali is about 450 Kms. Being a

lady it would be highly inconvenient for the applicant to travel alone from Shahdol to Mahasamund and vice versa especially at evening after attending the hearing.

7. On being asked, both the parties agreed to transfer the Civil Suit No.1-A/2018 to the Family Court, Bilaspur, District Bilaspur (C.G.), and it would be very convenient for both the parties to attend the proceeding of their case at Family Court, Bilaspur.
8. Thus, keeping in view the convenience of both the parties, the instant transfer petition is hereby allowed. It is directed that Civil Suit No. 1A/2018 (**Amit Sharma Vs. Smt. Kiran Sharma**) filed for divorce under Section 13 (i) (a) of the Hindu Marriage Act, 1955 by respondent/husband before the learned Family Court, Mahasamund Camp Court Saraipali, District Mahasamund (C.G.) is hereby withdrawn from the said Court and same is transferred to the file of Family Court, Bilaspur, District Bilaspur, for hearing and disposal in accordance with law. The Judge Mahasamund Camp Court Saraipali, District Mahasamund (C.G.) is directed to transmit the record of the above case to the Judge, Family Court, Bilaspur, District Bilaspur (C.G.). Parties to appear before the Family Court, Bilaspur, District Bilaspur on **03.03.2021**.
9. Interlocutory applications, if any, stands disposed of.
Certified copy as per rules.

**Sd/-
(Rajani Dubey)
Judge**