

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 20 of 2021**

- Smt. Ruprekha @ Rupal Soni, W/o Shri Amit Kumar Soni, Aged About 44 Years R/o Anupam Nagar, Near Gyan Sagar, Ward No. 19, Rajnandgaon, Tahsil And District - Rajnandgaon Chhattisgarh. At Present R/o C/o Shri Ram Tiwari, Meera Bhavan, Near Sainik Kirana Stores, Dawra Colony, Raipur, District - Raipur Chhattisgarh. Postal Address J - 6, Aditya Sadan, Dawda Colony, Near Corbiz Hotel, Pachpedi Naka, Raipur, District - Raipur Chhattisgarh.,

---- Petitioner**Versus**

- Amit Kumar Soni S/o Shri Mohan Lal Soni, Aged About 46 Years R/o Anupam Nagar, Near Gyan Sagar, Ward No. 19, Rajnandgaon, Tahsil And District - Rajnandgaon Chhattisgarh.,

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For Petitioner	: Shri Yogesh Pandey, Advocate.
For Respondent	: None, though served.

Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****17.06.2021**

1. By way of this petition, the petitioner – wife sought for transfer of proceedings being Case No.113-A of 2014 initiated by her husband under Section 13 of the Hindu Marriage Act pending before the Principal Judge, Family Court, Rajnandgaon to Family Court, Raipur.
2. According to the petitioner, her marriage was solemnised with the respondent on 12.05.2003 as per Hindu rites and customs and out of their wedlock, two children were born. It is stated by the petitioner that on 13.06.2020, during peak of Corona Pandemic, her husband forcibly drove her out of his house and compelled her to live in a rented

premises where she is living along with her children. It is stated further that the relationship between them has become strained and because of which the respondent husband used to issue threats of her life to face dire consequences and under these circumstances, it is not safe for the petitioner and her minor children to travel from Raipur to attend the said proceedings at Rajnandgaon. On these premises, the petitioner is prompted to file the present petition seeking transfer of said proceedings to the Family Court at Raipur. In support, learned counsel appearing for the petitioner has placed his reliance upon the principles laid down in the matter of ***Amita Shah* vs. *Virender Lal Shah*** reported in (2003) 10 SCC 609.

3. No representation is made on behalf of the respondent despite service of notice upon him.
4. I have heard learned counsel for the appellant and perused the petition along with documents annexed with it carefully.
5. Having heard learned counsel appearing for the petitioner and considering further that since the petitioner is living along with her minor children in a rented premises at Raipur and it would certainly be difficult for her to travel from Raipur and attend the proceedings as initiated by her husband before the Family Court, Rajnandgaon for dissolution of marriage and also considering the principles laid down in the matter of ***Amita Shah* vs. *Virender Lal Shah*** (supra) wherein the convenience of wife and minor children has been held to be taken into account, therefore, it would be just and proper to transfer the said Case No.113-A/2014 filed by her husband, pending before the Principal Judge, Family Court, Rajnandgaon to Family Court, Raipur.

6. Consequently, the petition filed by the petitioner – wife is hereby allowed and it is directed that the Case No.113-A/2014 filed by her husband, pending before the Principal Judge, Family Court, Rajnandgaon shall stand transferred to the Family Court, Raipur for its trial in accordance with law. The concerned Family Court, Rajnandgaon is hereby directed to send the concerned record immediately towards Family Court, Raipur, who in turn, shall decide the matter in accordance with law.

Sd/-
(Sanjay S. Agrawal)
Judge