

HIGH COURT OF CHHATTISGARH, BILASPUR
Transfer Petition (Cr.) No.24 of 2021

Rajkumar Agrawal S/o Late Gangavishnu Agrawal Aged About 70 Years R/o Sattipara Ambikapur, Ward No. 36, Bramha Road Sattipara, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. Smt. Yogita Agrawal W/o Late Sunil Agrawal Aged About 32 Years R/o Vinoba Nagar, Bilaspur, Tashsil And District Bilaspur, Chhattisgarh

2. Minor Raghav S/o Late Sunil Agrawal Aged About 2 Years Through Natural Guardian Mothe Yogita Agrawal, R/o Vinoba Nagar, Bilaspur, Tashsil And District Bilaspur, Chhattisgarh

-----Respondents

For Petitioner:
For Respondents:

Shri Surfaraj Khan, Advocate.
Shri PK Tulsian, Advocate.

Single Bench: Hon'ble Shri Deepak Kumar Tiwari J
Order On Board

07.12.2021

1. This is the Petition filed under Section 407 of the Code of Criminal Procedure, 1973 whereby the Petitioner seeks transfer of M.J.C No.404/2020 registered under Section 125 Cr.P.C pending before the Family Court, Bilaspur, District Bilaspur to the Family Court, Ambikapur, District Surguja.

2. Brief facts of the case are that the Petitioner, aged 70 years is living at Ambikapur suffering with all the old age ailments having no source of income and fully dependent on others and as such facing difficulty in attending each and every date of hearing of the case filed by the

Respondents under Section 125 Cr.P.C in the Family Court, Bilaspur against the Petitioner seeking maintenance from him, who happens to be the father-in-law of Respondent No.1.

3. Learned Counsel for the Petitioner submits that the Petitioner being an old person, would be unable to travel up and down from Ambikapur to Bilaspur on every hearing and therefore, looking to his convenience, the said case may be transferred as mentioned above.

4. On the other hand, learned Counsel for the Respondents has submitted in his reply that Respondent No.1 is a widowed house wife having two children and is residing at Bilaspur in a rental house. It is further submitted that her two children are pursuing their studies and are required to have daily attendance in school, copy of school report has also been filed in support thereof and therefore, it is very difficult for Respondent No.1 to travel all the way from Bilaspur to Ambikapur on each date of hearing, which carries a distance of 260 kms approximately if the case is transferred as sought in the Petition. It is further submitted that Respondent No.1 has lost her husband in a family dispute at Ambikapur and till date, family partition has also not taken place due to which, she may face great hardship if the said case is transferred to Ambikapur and therefore, the Petition may be dismissed.

5. I have heard learned Counsel for the parties and perused the documents annexed therein carefully.

6. Having considered the facts and circumstances of the case and the submissions made by the respective counsel for the parties, it is evident that the husband of Respondent No.1 has died in the alleged family dispute at Ambikapur and further looking to the object behind the provision of maintenance, this Court is not inclined to transfer M.J.C No.404/2020

registered under Section 125 Cr.P.C pending before the Family Court, Bilaspur, District Bilaspur to the Family Court, Ambikapur, District Surguja as the same causes undue hardship to the Respondents.

7. In view of above, the instant Transfer Petition, being devoid of merits, is liable to be and is hereby dismissed. There shall be no order as to costs.

Sd/-

(Deepak Kumar Tiwari)
JUDGE

Priya