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HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 30 of 2019**

1. Ramavatar Jaiswal And Others S/o Horilal Jaiswal, Aged About 32 Years R/o Gaurav Colony Ward No. 1, Bajrang Chowk, Yadunandan Nagar, Tifra, P.O. Sirgitti, Bilaspur, Tehsil And District Bilaspur Chhattisgarh,
2. Horilal Jaiswal S/o Bashauram Jaiswal Aged About 55 Years R/o Gaurav Colony Ward No. 1, Bajrang Chowk, Yadunandan Nagar, Tifra, P.O. Sirgitti, Bilaspur, Tehsil And District Bilaspur Chhattisgarh.,
3. Saraswati Jaiswal, W/o Horilal Jaiswal Aged About 45 Years R/o Gaurav Colony Ward No. 1, Bajrang Chowk, Yadunandan Nagar, Tifra, P.O. Sirgitti, Bilaspur, Tehsil And District Bilaspur Chhattisgarh.,

---- Petitioners**Versus**

1. Shraddha Jaiswal And Another W/o Ramavatar Jaiswal, Aged About 20 Years R/o Gaurav Colony Ward No. 1, Bajrang Chowk, Yadunandan Nagar, Tifra, P.O. Sirgitti, Bilaspur, Tehsil And District Bilaspur Chhattisgarh. Current Residence- Village Surajpura, P.O. Bodla, Tehsil Kawardha, District Kabirdham Chhattisgarh.,
2. Minor Aditi Jaiswal D/o Ramavatar Jaiswal 1.5 Years, R/o Gaurav Colony Ward No. 1, Bajrang Chowk, Yadunandan Nagar, Tifra, P.O. Sirgitti, Bilaspur, Tehsil And District Bilaspur Chhattisgarh. Current Residence- Village Surajpura, P.O. Bodla, Tehsil Kawardha, District Kabirdham Chhattisgarh.,

---- Respondents

For Petitioners	:	Ms. K.Tripti Rao, Advocate.
For Respondents	:	None, though served through SPC.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J
Order On Board

14.09.2021

1. This petition has been filed by the petitioners under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking transfer of the case being registered as Case No.56 of 2019 "Shraddha Jaiswal & another vs. Ramavatar Jaiswal and others" pending before the Court of Judicial Magistrate First Class, Kawardha, Dist. Kabirdham to either the District Court of Bilaspur or to the District Court of Mungeli.

2. According to the counsel appearing for the petitioners, the marriage of petitioner No.1 – Ramavatar Jaiswal was solemnized with respondent No.1 – Shraddha Jaiswal on 30.04.2017 and out of their wedlock, a daughter, namely, Aditi was born. It is stated that owing to some matrimonial dispute, respondent No.1 started living separately along with the said, minor daughter, in the house of her parents in village Bodtara, Tahsil Lormi, District Mungeli. Further contention of the petitioners is that on 16.08.2019, a proceeding was initiated by respondent No.1 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in the court of Judicial Magistrate First Class, Kawardha where a case was registered as Case No.56/2019 and has also initiated the proceedings before the Family Court of Kawardha seeking grant of maintenance under Section 125 Cr.P.C.

3. The main contention of the petitioners is that since the maternal uncle of respondent No.1 is residing at Kawardha, and who is an influential person in the said area, therefore, just to harass the petitioners, the alleged proceeding has been initiated in the said Court at Kawardha. Based upon such a plea, it is prayed for transfer of the said proceeding, i.e., Case No. 56/2019 to either the District Court, Bilaspur or to the District Court at Mungeli.

4. No one appears on behalf of respondent No.1 despite service of S.P.C.

5. Having considered the aforesaid contention of the counsel for the petitioners, considering further that not only the alleged proceeding registered as Case No.56 of 2019 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is pending before the Kawardha Court, but another proceeding of her (respondent No.1) under Section 125 of Cr.P.C. is also pending before the said Court, it would, therefore, rather cause an inconvenience to the wife, if the matter is transferred from the said Court, as

alleged by the petitioners herein, particularly when she is living along with her minor daughter – Aditi.

6. In view of above facts and circumstances of the case, I am not inclined to entertain this petition, which is accordingly dismissed. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE