

Kashish Makhija @ Pinky Sachdev Vs Akash Makhija

Court: Chhattisgarh High Court

Date of Decision: Sept. 13, 2018

Acts Referred: Hindu Marriage Act, 1955 " Section 11, 12

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Uttam Pandey, Dharmesh Shrivastava

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. Heard.

2. The instant petition is filed for transfer of a case bearing Civil Suit No.245- A/2018 from the Family Court Bilaspur to Family Court Durg pending

between the parties as they are husband and wife and the petition has been filed by the husband/respondent Akash Makhija under Sections 11 & 12 of

the Hindu Marriage Act to declare the marriage as null and void before the Family Court Bilaspur wherein the wife is respondent.

3. It is contended on behalf of the wife that she is a resident of Durg and it is extremely difficult for her to travel all the time to attend the date of

hearing at Bilaspur and till date no interim maintenance has also been awarded. It is stated that the wife has also filed an application under Section 12

of the Protection of Woman From Domestic Violence Act before the JMFC, Durg, which is pending adjudication and she has a son aged about 6

years and there is no one to take care of the son, therefore, in all convenience the petition pending before the Family Court, Bilaspur may be

transferred to the Family Court Durg.

4. Learned counsel for the respondent opposes the same and submits that the wife can very well attend the Court and there should be no difficulty to

her in attending the Court as it is directly connected with the rail route.

5. Perused the documents filed with the petition. Perusal of the documents would show that the application has been filed by the husband under

Sections 11 & 12 of the Hindu Marriage Act before the Family Court Bilaspur to declare the marriage null and void, wherein the wife is respondent. It

appears that the wife has also filed an application before the JMFC, Durg under the Protection of Woman From Domestic Violence Act. Be that as it

may, taking into the fact and evaluating/balancing the convenience of the wife, no prejudice would be caused to the respondent if the case is

transferred to the Family Court Durg. Under the circumstances, it is directed that the case bearing Civil Suit No.245A/2018 pending before the

Principal Judge, Family Court Bilaspur is directed to be transferred to the Family Court, Durg. It is further directed that the parties shall appear before

the Family Court, Durg on 05.10.2018.

6. Accordingly, the petition stands allowed.