

(2018) 09 CHH CK 0426

Chhattisgarh High Court

Case No: TPC No. 57 Of 2017

Gayatri Sahu

APPELLANT

Vs

Bhuvneshwar Prasad Sahu

RESPONDENT

Date of Decision: Sept. 27, 2018

Acts Referred:

- Hindu Marriage Act, 1955 - Section 9
- Code Of Criminal Procedure, 1973 - Section 125
- Protection Of Women From Domestic Violence Act, 2005 - Section 12

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: T.K. Jha

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. The present petition is preferred for transfer of a matrimonial case filed by the husband under Section 9 of the Hindu Marriage Act, bearing

No.460-A/17, which is pending before the Family Court, Bilaspur and prayer has been made to transfer this case at Family Court, Durg.

3. Learned counsel for the petitioner submits that the wife has already filed two cases at the earlier point to time under Sections 125 Cr.P.C. and

under Section 12 of the Domestic Violence Act, which are pending before the Family Court, Durg. It is further submitted that the wife is suffering

with certain ailments and it is extremely difficult for her to travel all the time from Durg to Bilaspur and no prejudice would be caused to the husband if

the case filed under Section 9 of the Hindu Marriage Act, is transferred to the Family Court, Durg, therefore, the case may be transferred to the Family Court, Durg.

4. No representation is made by the respondent despite service of notice.
5. Considering the background and the factual aspect of the case, in the opinion of this Court, no prejudice would be caused to the husband if the case is transferred to the Family Court, Durg, as it is always the convenience of the wife has to be considered and is to be given a priority. Accordingly, the case filed by the respondent namely Bhuvneshwar Prasad Sahu before the Family Court, Bilaspur bearing No.460-A/17 is directed to be transferred to the Family Court, Durg. The parties are directed to appear before the Family Court, Durg on 15th of November, 2018 and if the respondent/husband fails to appear, the Family Court, Durg shall issue notice to the respondent/husband for his appearance.

6. With such observation, the petition stands disposed of.