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Nisha Shrivas Vs Rajendra Shrivas

Court: Madhya Pradesh High Court

Date of Decision: Sept. 7, 1995

Acts Referred: Civil Procedure Code, 1908 (CPC) â€" Section 151, 24
Guardians and Wards Act, 1890 â€" Section 25

Citation: (1996) 1 DMC 35

Hon'ble Judges: N.P. Singh, J

Bench: Single Bench

Advocate: Sudharani Shrivastava, for the Appellant; None, for the Respondent

Judgement

N.P. Singh, J.
That the Non-applicant is her husband. Their marriage was solemnised on 2.2.1991 at Durg (M.P.). Out of this wedlock a

male child Ritwik alias Chhutku was born on 25.9.1991.

2. Heard Smt. Sudharani Shrivastava, Counsel for the applicant on the application u/s 24 read with Section 151 of the CPC for transfer of Civil

Suit No. 47-A/94 from the Court of District judge, Durg to the Court of District Judge, Jabalpur.

3. Counsel for the applicant has contended that the non-applicant has filed a case u/s 25 of the Guardian & Wards Act in the Court of IVth Addl.

District Judge, Jabalpur and the same is pending for disposal. The applicant had also moved an application against the non-applicant/husband for

judicial separation in the Court of District Judge at Durg vide Civil Suit No. 47-A/94. The witnesses to be examined in the case are all residents of

Jabalpur. Therefore, Civil Suit No. 47-A/94 pending in the Court of District Judge, Durg may be transferred to the Court of District Judge,

Jabalpur for the convenience of both the parties.

4. It is settled by a catena of decisions of the Apex Court that the case may be transferred to another Court for the convenience of the parties.

Reference may be made in the case of Gaitri Jaitly v. Shashi Mohan Jaitly, (1995 AIR SCW 1215).

5. It is admitted that a case u/s 25 of the Guardian & Wards Act is pending in the Court of IVth Additional District Judge, Jabalpur and the parties

are contesting the case.

6. The witnesses to be examined in Civil Suit No. 47-A/94 pending in the Court of District Judge at Drug are residents of Jabalpur. It is, therefore,

desirable that Civil Suit No. 47-A/94 pending in the Court of District Judge, Durg should be transferred to the Court of District Judge, Jabalpur for

the convenience of the parties.

7. Let the Civil Suit No. 47-A/94 be transferred from the Court of District Judge, Durg to the Court of District Judge, Jabalpur for disposal in

accordance with law.

8. The petition is disposed of accordingly.