

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (C) No.105 of 2021

- Shazia Anjum, D/o Late Shri Iftekhar Mohammed Qureshi, Aged About 38 Years, R/o 39, Kanchan Bag, Shivnath Colony, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- Saiyyad Irshad Ahmed Jaid, S/o Shri Saiyyad Mukhtar Ahmad, Aged About 44 Years, R/o Ring Road No. 1, Behind Goldern Marble, Laxmi Nagar, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Abhishek Sharma, Advocate.

For Respondent : Mr. Pragalbha Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/03/2022

1. With the consent of both the parties, the matter is heard finally.
2. This transfer petition has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, for transferring the Case No.22/2019 pending before the 2nd

Additional Principal Judge, Family Court, Raipur, District - Raipur, (C.G.), to the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.).

3. Learned Counsel appearing for the petitioner/wife submits that marriage between the petitioner/wife and respondent/husband was solemnized on 27.12.2006. After the marriage, respondent/husband and his family members started torturing the petitioner/wife for bringing less dowry. Thereafter, the parents of the respondent left the petitioner/wife in her matrimonial house. Thereafter, petitioner/wife gave birth to a female child at Rajnandgaon. In the year 2011, again petitioner/wife became pregnant and further respondent's family left her in her matrimonial house for delivery. Thereafter, the petitioner's family make all efforts to settle the dispute but the respondent was not ready to bring her back. At present both the child are studying in class 8th and 4th and staying with petitioner/wife in Rajnandgaon. Father of the petitioner has also died and she is living with her old mother. On 10.04.2019, the respondent/husband filed a suit for Declaration of Judicial Dissolution of Marriage before the 2nd Additional Principal Judge, Family Court, Raipur, (C.G.). On 09.02.2021, the respondent/husband filed an application under Section 10 r/w Section 25 of the Guardian and Wards Act before the Family Court,

Rajnandgaon, (C.G.). Therefore, it is prayed that the Case No.22/2019 pending before the 2nd Additional Principal Judge, Family Court, Raipur, (C.G.) be transferred to the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.).

4. Learned Counsel appearing for the respondent/husband submits that he has no objection to transfer the case from Raipur to Rajnandgaon, however, he prays that, as he will go from Raipur to Rajnandgaon for further proceedings, the petitioner/wife be directed not to make prayer before the Court for adjournment of the case on the date of hearing.
5. I have heard learned Counsel appearing for the parties and perused the entire material available on record with utmost circumspection.
6. Considering the facts and circumstances of the case, particularly considering the fact that petitioner/wife is a lady and residing at Rajnandgaon along with her two child and her old mother, I am inclined to transfer the Civil Suit filed by the respondent/husband pending before the 2nd Additional Principal Judge, Family Court, Raipur, District Raipur, (C.G.) to the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.).
7. Accordingly, the instant transfer petition is allowed. The Case No.22/2019 filed by the respondent/husband before

2nd Additional Principal Judge, Family Court, Raipur, District Raipur, (C.G.) is directed to be transferred to the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.) with immediate effect.

8. Both the parties shall remain present before the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.) on **10.05.2022** for further proceedings.
9. A copy of this order be sent to the 2nd Additional Principal Judge, Family Court, Raipur, District Raipur, (C.G.) and to the Family Court, Rajnandgaon, District – Rajnandgaon, (C.G.) forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge