

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No.62 of 2023**

Smt. Sarita Sahu W/o Yashvant Sahu Aged About 23 Years R/o Village Sonpuri, Tahsil And Police Station Kawardha, District Kabirdham (C.G.)  
 Present Address Village Bhedani, Tahsil Berla, Out Post Devarbija, Police Station And District Bemetara (C.G.)

**---- Petitioner****Versus**

Yashvant Kumar Sahu S/o Ganeshram Sahu Aged About 24 Years Occupation Agriculturist, R/o Village Sonpuri, Tahsil And Police Station Kawardha, District Kabirdham (C.G.)

**---- Respondent**


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For Petitioner	:	Mr. Sagar Soni, Advocate holding the brief of Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Samir Singh, Advocate

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**Hon'ble Shri Justice Rakesh Mohan Pandey****Judgment on Board****21.12.2023**

Heard.

1) The petitioner/wife has filed this petition for transfer of Civil Suit No.05-A/2023 parties being "*Yashvant Kumar Sahu Vs. Smt. Sarita*" filed by the respondent/husband under Section 9 of the Hindu Marriage Act pending before the learned Principal Judge Family Court, Kawardha, District Kabirdham (C.G.) to the learned Family Court, Bemetara, District Bemetara (C.G.)

2) Learned counsel appearing for the petitioner would submit that the marriage between the parties was solemnized on 07.05.2019 and there is one issue from their wedlock. He would further submit that after four months of marriage, on account of certain disputes, they got separated and the petitioner/wife is staying at her parental house. The respondent/husband moved an application under Section 9 of the Hindu

Marriage Act for restitution of Conjugal Rights before the learned Principal Judge Family Court, Kawardha, District Kabirdham (C.G.). He would also submit that an application under Section 125 of the Cr.P.C. was moved by the petitioner/wife and her minor son before the learned Family Court, Bemetara, District-Bemetara (C.G.) and an order was passed directing the respondent/husband to make payment of maintenance of Rs.6,000/- per month. The distance between Bemetara and Kawardha is about 50 km. and it would be very difficult for the petitioner to travel from Bemetara to Kawardha on each date of hearing along with 3 year child, therefore, he would pray to transfer the case from the learned Principal Judge Family Court, Kawardha, District Kabirdham (C.G.) to the learned Family Court, Bemetara, District Bemetara (C.G.).

**3)** On the other hand, learned counsel appearing for the respondent would submit that the distance from Bemetara to Kawardha is about 50 km. and no reason has been pleaded for transfer of the case from the learned Principal Judge Family Court, Kawardha to learned Family Court, Bemetara and conveyance is very much available for Bemetara to Kawardha. He would lastly submit that the respondent is ready to pay traveling allowance to the petitioner and thus, the present petition may be dismissed.

**4)** I have heard learned counsel appearing for the parties and perused the documents placed on record.

**5)** From a perusal of the documents, it appears that the parties were married on 07.05.2019 and on account of some dispute, they are staying separately.

6) From a perusal of the application moved by the respondent/husband under Section 9 of the Hindu Marriage Act, it appears that earlier an application under Section 125 of the Cr.P.C. was moved by the petitioner/wife and her minor son before the learned Family Court, Bemetara, District-Bemetara (C.G.). The distance between Bemetara and Kawardha is about 50 km. and public transport is available to travel from Bemetara to Kawardha, therefore, it cannot be said that it would be difficult for the petitioner to travel from Bemetara to Kawardha to attend the Court proceedings.

7) In the opinion of this Court, it is not a fit case to transfer the proceeding of Civil Suit No.05-A/2023 pending before the learned Principal Judge Family Court, Kawardha, District Kawardha to the learned Family Court, Bemetara, District Bemetara (C.G.). Consequently, the petition fails and is hereby **dismissed**.

8) Further, taking into consideration the fact that the petitioner is dependent on her parents and she is surviving on maintenance amount, the respondent/husband is directed to pay traveling allowance of Rs.500/- to the petitioner/wife on each date of the hearing till final disposal of Civil Suit No.05-A/2023 pending before the learned Principal Judge Family Court, Kawardha, District Kabirdham (C.G.).

9) Interim order, if any, granted earlier, is hereby vacated.

Sd/-

**(Rakesh Mohan Pandey)**  
Judge