

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Transfer Petition (C) No. 99 of 2021**

Gayatri Nirmalkar, D/o Khomlal Nirmalkar, Aged about 30 years, R/o Village Devri Bangla, Distt. Balod, Chhattisgarh.

---Petitioner

Versus

Vishnu Prasad Nirmalkar, S/o Late Kamta Prasad Nirmalkar, Aged about 34 years, R/o Village and Post Nankatti, District Durg, Chhattisgarh.

---Respondent

For Petitioner :- Mr. Shikhar Sharma, Advocate
For Respondent :- Mr. Anmol Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

08/07/2022

1. By way of this petition under Section 24 of CrPC, the petitioner/wife has sought transfer of Case No. 964/2021 (*Vishnu Prasad Nirmalkar v. Gayatri Nirmalkar*) pending in the Court of Principal Judge, Family Court, Durg to the Court of Principal Judge, Family Court, Balod.
2. Learned counsel for the petitioner submits that respondent/husband has filed an application for divorce under Section 13 of Hindu Marriage Act,



1955 before the Court of Principal Judge, Family Court Durg, whereas the petitioner/wife is a differently abled person and suffers from visual impairment and on account of that, she is unable to attend the court proceeding at Durg, therefore, the aforesaid case be transferred to Family Court, Balod, which is seriously opposed by learned counsel for the respondent stating that no such ground is available in favour of the petitioner, therefore, the instant petition be dismissed.

3. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the record with utmost circumspection.

4. Taking consideration of the fact that the distance from the village Devari Bangla where the petitioner resides to the Family Court, Durg is about 100 kms and there is no direct conveyance available and further considering that petitioner suffers from some visual impairment and she faces difficulty, I deem it appropriate to transfer Case No. 964/2021 (*Vishnu Prasad Nirmalkar v. Gayatri Nirmalkar*) pending in the Court of Principal Judge, Family Court, Durg to the Court of Principal Judge, Family Court, Balod for hearing and disposal in accordance with law. Parties are directed to appear before



Principal Judge, Family Court, Balod on 01/08/2022.

Meanwhile, the Principal Judge, Family Court, Durg will send the record of the divorce proceeding to the Court of Principal Judge, Family Court, Balod expeditiously.

5. The instant petition is allowed accordingly.

Sd/-

(Sanjay K. Agrawal)

Judge

Harneet

