



2026:CGHC:12691



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**TPC No. 5 of 2026**

Smt. Megha Gupta W/o Shri Manish Gupta Aged About 29 Years R/o Near Mahavir School, Natthu Bada, Gudhiyari, Raipur, Tehsil And Distt. Raipur, Chhattisgarh.

... Petitioner**versus**

Manish Gupta S/o Shri Pramod Gupta Aged About 31 Years R/o Near Budha Mahadev Mandir, Mathpara, Kawardha, Distt. Kabirdham, Chhattisgarh.

... Respondent

(Cause-file taken from the Case Information System)

For Petitioner	:	Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Sandeep Patel, Advocate.
For Respondent	:	None.

Hon'ble Shri Bibhu Datta Guru, Judge
Judgment on Board

17/03/2026

1. By this petition, the petitioner/wife is seeking the transfer of case bearing Civil Suit No.91A/2024, filed by the respondent/husband under Section 13 (1-A) of the Hindu Marriage Act, 1955 pending before the learned Family Court Kabirdham, District Kabirdham, C.G. to the learned Family Court Raipur, District Raipur, C.G.
2. Learned counsel for the petitioner submits that the marriage between the parties was solemnized on 27.05.2023 according to Hindu rites & rituals. Soon after the marriage, the petitioner was



subjected to cruelty and mental harassment by the respondent. Thereafter, the petitioner is residing with her parents at Raipur where proceedings under Section 9 of the Hindu Marriage Act, 1955 and Section 144 of BNSS, 2023 are pending before the Family Court Raipur, and both the cases have been clubbed together. Learned counsel further submits that it will be inconvenient for her to attend the proceedings pending before the learned Family Court, Kabirdham on the scheduled dates of hearing. Such travel imposes severe hardship upon the petitioner, therefore, the petition filed by the petitioner may be allowed.

3. On the last date of hearing i.e.13/01/2026, notice was issued to the respondent and dasti was also permitted. As per office report, notice has been served upon respondent. However, no one is appearing on behalf of him.
4. I have heard learned counsel for the petitioner, perused the pleadings and documents appended thereto.
5. In the matter of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik (2022 SCC Online SC 1199)** the Hon'ble Supreme Court has observed that generally it is wife's convenience which must be looked at while considering transfer. The relevant portion of the aforesaid judgment is reproduced hereunder:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern,



their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

6. Having regard to the submissions of learned counsel for the petitioner and in view of the aforesaid principles, this Court is inclined to allow the prayer made by the petitioner.
7. Consequently, the Transfer Petition is **allowed** and it is ordered that case bearing Civil Suit No.91A/2024 which is pending before the learned Family Court Kabirdham be transferred to the learned Family Court Raipur, District:Raipur, C.G. for its trial/disposal in accordance with law.
8. Further, the respondent/husband would be at liberty to participate in the proceedings through video conferencing/virtually unless otherwise directed by the concerned Court.
9. Both the parties are directed to remain present before the learned Family Court Raipur, District:Raipur, C.G. on **08.04.2026**.

SD/-

(Bibhu Datta Guru)
Judge