



2026:CGHC:19210



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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 23 of 2026

Sangeetaa Namdev W/o. Vipin Namdev, Aged About 36 Years R/o.
H.No. 97, Ekta Nagar, Gudhiyari, Tehsil And District Raipur C.G.

... Petitioner

versus

Vipin Namdev S/o. Rajesh Namdev, Aged About 36 Years R/o. Jeevan
Colony, Phase-2, Laxmi Nagar, Rajnandgaon, District Rajnandgaon
C.G.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Ms. Aditi Singhvi, Advocate

For Respondent(s) : Mr. H.A.P.S. Bhatia, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

25/04/2026

1. The present application has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of Civil Suit No. A/2/2026 titled "(Vipin Namdev v. Sangeet Namdev)", filed by the respondent/husband under



Section 13 of the Hindu Marriage Act, 1955, pending before the learned Family Court, Rajnandgaon, District Rajnandgaon (C.G.), to the learned Family Court, Raipur, District Raipur (C.G.).

2. The marriage between the parties was solemnized on 22.05.2017 at Raipur as per Hindu rites and customs, and out of the said wedlock, one minor daughter was born on 02.08.2018, who is presently residing with the petitioner/wife.
3. Learned counsel for the petitioner submits that the petitioner is a housewife having no independent source of income and is residing at Raipur along with her minor daughter, who is wholly dependent upon her. It is submitted that the respondent has instituted the aforesaid divorce proceedings at Rajnandgaon, whereas the petitioner has already initiated proceedings under Section 125 of the Code of Criminal Procedure as well as under the Protection of Women from Domestic Violence Act, 2005 before the competent courts at Raipur, which are presently pending. An FIR has also been registered at Mahila Thana, Raipur. It is further submitted that the petitioner, being a lady, is facing considerable hardship in travelling from Raipur to Rajnandgaon, a distance of approximately 144 kilometers, on each date of hearing. Owing to her financial condition, responsibility of maintaining and taking care of her minor child,



and lack of any family support to accompany her, it is extremely difficult for her to undertake such repeated travel. It is also contended that earlier both parties had filed a mutual divorce petition before the Family Court at Raipur, wherein the respondent had declared himself to be a resident of Raipur. In these circumstances, it is submitted that transfer of the present case to Raipur would serve the ends of justice and avoid multiplicity of proceedings.

4. Learned counsel for the respondent submits that the parties have been living separately for a long time and had earlier filed mutual divorce petitions at Raipur, which were withdrawn despite admitting separation. Thereafter, the respondent has rightly filed a divorce petition before the Family Court, Rajnandgaon, in which the petitioner has already appeared. It is submitted that the present transfer petition has been filed only to delay the proceedings, and the FIR lodged thereafter is false and motivated. Hence, no ground for transfer is made out and the application deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the records with utmost circumspection.
6. 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."

7. In the present case, it is not in dispute that the petitioner is residing at Raipur and is solely dependent upon herself while



taking care of her minor daughter. It is also evident that she has already initiated proceedings under Section 125 Cr.P.C. as well as under the Protection of Women from Domestic Violence Act, 2005 at Raipur. The distance between Raipur and Rajnandgaon is considerable, making it difficult for the petitioner to attend proceedings at Rajnandgaon on each date of hearing.

8. Considering the overall facts and circumstances of the case, particularly the financial constraints of the petitioner, her responsibility towards the minor child, the distance involved, and the settled legal position that the convenience of the wife is to be given preference, this Court is of the opinion that the balance of convenience lies in favour of the petitioner.
9. Accordingly, the transfer petition is allowed and Civil Suit No. A/2/2026 titled "Vipin Namdev v. Sangeet Namdev", pending before the learned Family Court, Rajnandgaon, District Rajnandgaon (C.G.), is hereby transferred to the learned Family Court, Raipur, District Raipur (C.G.) for its trial and disposal in accordance with law.
10. Both the parties are directed to appear before the learned Family Court, Raipur on **19.06.2026**.

Sd/-
(Bibhu Datta Guru)
JUDGE