



2026:CGHC:23848



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPCR No. 6 of 2026

1 - Smt. Chetna @ Anima Dewangan W/o Jitendra Kumar Dewangan, Aged About 43 Years R/o Village And Post - Devri, Tahsil - Doundilohara, Distt. Balod (C.G.)

2 - Isan Dewangan S/o Jitendra Kumar Dewangan, Aged About 12 Years Minor Through Natural Guardian Mother Smt. Chetna @ Anima Dewangan R/o Village And Post - Devri, Tahsil - Doundilohara, Distt. Balod (C.G.)

... **Petitioner(s)**

versus

Jitendra Kumar Dewangan S/o Jeevan Lal Dewangan, Aged About 45 Years Occupation - Assistant Grade - 2, Posted At Office Of The Chief Executive Officer Janpad Panchayat, Bhanupratappur, Distt. North Bastar (C.G.)

... **Respondent(s)**

For Petitioner(s) : Mr. Rajbahadur Singh, Advocate.

For Respondent(s) : Mr. Shreyansh Pathak, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

15/06/2026

- The present petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") seeks transfer of Cr. M.J.C. Nos.1418 of 2025 and 1419 of 2025 (Smt. Chetna @ Anima



Dewangan & Another vs. Jitendra Kumar Dewangan) from Family Court Durg, District – Durg (C.G.) to Family Court Balod, District – Balod (C.G.).

2. Brief facts necessary for the case are that the marriage of Petitioner No. 1 was solemnized with the respondent on 23.04.2012 according to Hindu rites and customs, and out of the wedlock, Petitioner No. 2 was born on 24.09.2013. After marriage, the petitioner was allegedly subjected to physical and mental cruelty and demands for dowry by the respondent and his family members. Ultimately, she was compelled to leave the matrimonial home and reside at her parental house along with her minor son. The petitioner filed an application under Section 125 Cr.P.C. seeking maintenance, which was allowed by the Family Court, Durg on 03.02.2018 granting maintenance of Rs. 8,000/- per month. Thereafter, the respondent obtained an ex parte decree of divorce on 23.12.2020; however, the same was set aside by the Hon'ble High Court in FA(MAT) No. 6/2021 vide judgment dated 31.01.2023. The Hon'ble High Court further enhanced the maintenance amount to Rs. 12,000/- per month and directed that the maintenance be proportionately increased with any future increase in the respondent's salary. Despite the aforesaid orders, the respondent failed to regularly pay the maintenance amount, compelling the petitioners to initiate several recovery proceedings under Section 125(3) Cr.P.C. before the Family Court, Durg. Some recovery cases were subsequently transferred by this Hon'ble Court to the Family Court, Balod, while two recovery cases,



namely Cr.MJC No. 1418/2025 and 1419/2025, are still pending before the Family Court, Durg, giving rise to the present petition.

3. Learned counsel for the petitioner submits that despite the orders passed by the learned Family Court as well as the Division Bench of this Hon'ble Court directing the respondent to pay maintenance to the petitioners, the respondent has continuously failed and neglected to comply with the said orders and has deliberately avoided payment of the maintenance amount. Consequently, the petitioner has been constrained to initiate recovery proceedings by filing applications under Section 144(3) of the B.N.S.S. before the learned Family Court, Durg, which are presently pending consideration. He further submits that the petitioner is residing at her parental home situated at Village Devari, District Balod, along with her minor child and is solely responsible for the child's care and upbringing. The distance between Village Devari and the Family Court, Durg is approximately 60 kilometers, and it is extremely difficult, inconvenient, and financially burdensome for the petitioner to travel such a distance on each date of hearing to prosecute the pending recovery proceedings. He also submits that the petitioner had earlier approached this Court seeking transfer of several recovery proceedings bearing Cr.MJC Nos. 196/2021, 1119/2022, 984/2023, 1105/2022, 450/2024 and 1484/2024. During the pendency of the said transfer petition, most of the cases were disposed of and only Cr.MJC Nos. 450/2024 and 1484/2024 remained pending. Accordingly, this Court, vide order dated 15.01.2026 passed in TPCR No. 24/2025, was pleased to transfer



the said recovery proceedings from the Family Court, Durg to the Family Court, Balod. Since the present recovery proceedings bearing Cr.MJC Nos. 1418/2025 and 1419/2025 arise out of the same dispute and the petitioner continues to face the very same hardship and inconvenience, it is just, proper and expedient in the interest of justice that these proceedings are also transferred from the Family Court, Durg to the Family Court, Balod.

4. On the other hand, learned counsel for the respondent opposes the prayer made by the petitioners.
5. I have heard learned counsel for the petitioner and perused the materials available on record.
6. It is not in dispute that the present proceedings, namely Cr.M.J.C. Nos. 1418/2025 and 1419/2025, arise out of the same matrimonial dispute between the parties. It is also evident from the record that this Court, vide order dated 15.01.2026 passed in TPCR No. 24/2025, has already transferred recovery proceedings bearing Cr.M.J.C. Nos. 450/2024 and 1484/2024 from the Family Court, Durg to the Family Court, Balod. Considering the fact that the petitioner is residing at Village Devari, District Balod along with her minor child and that the earlier recovery proceedings arising out of the same dispute have already been transferred to the Family Court, Balod, this Court is of the opinion that transfer of the present proceedings would avoid multiplicity of proceedings before different Courts and would facilitate effective adjudication of the matters



between the parties. The transfer would also ensure convenience to both the parties and serve the ends of justice.

7. In the aforesaid facts and circumstances of the case, and particularly in view of the earlier transfer order passed by this Court in respect of similar recovery proceedings between the same parties, this Court deems it appropriate to allow the present petition. Accordingly, the present transfer petition stands **allowed**. The learned Principal Judge, Family Court Durg, District – Durg (C.G.) is directed to transmit the entire record of Cr.M.J.C. Nos. 1418/2025 and 1419/2025 (Smt. Chetna @ Anima Dewangan & Another Vs. Jitendra Kumar Dewangan), to the Court of learned Principal Judge, Family Court, Balod, District Balod (C.G.), within a period of two weeks from the date of production of a certified copy of the order.
8. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil