



2026:CGHC:25686



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****TPC No. 29 of 2026**

Fatima Nisha W/o Shaikh Sahil Aged About 20 Years R/o Village - Sarda, Post And
Tahsil - Berla, District - Bemetara (C.G.)

... Petitioner**versus**

Shaikh Sahil S/o Shaikh Gulshekh Aged About 26 Years R/o Village - Bori, Police
Station - Bori, District - Durg (C.G.)

... Respondent

For Petitioner	:	Mr. Veer Verma, Advocate
For Respondent	:	None present, though served.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****23.06.2026**

1. The petitioner/wife has preferred this transfer petition under Section 24 of the Civil Procedure Code, 1908 (henceforth 'CPC') for transfer of Civil Suit No.A/1085/2025 (Shaikh Sahil vs. Fatima Nisha) pending before 3rd Additional Principal Judge, Family Court, Durg (CG).
2. Learned counsel appearing for the petitioner/wife submits that marriage of petitioner/wife was solemnized with the respondent/husband on 27.09.2024 as per the Muslim customs. It is submitted that after few months of the marriage, the respondent/husband started harassing the petitioner/wife, despite that she was residing with him and one son was born out of their wedlock, presently aged about



01 year. The respondent/husband, after harassing the petitioner mentally and physically, ousted her from the matrimonial home and now the petitioner is residing with her parents at Bemetara along with her minor son. Learned counsel further submits that the petitioner has filed application for maintenance bearing No.285/2025 against the husband, which is pending consideration before Family Court, Bemetara. Learned counsel further submits that distance between Bemtara and Durg is 80 km and since the petitioner is residing with her minor son in Bemetara, it would be difficult for her to travel such distance to attend the Court proceedings at Durg. He further submits that it is settled law that the convenience of wife is to be preferred over the convenience of the husband. Hence, if the divorce petition bearing Civil Suit No.A/1085/2025 (Shaikh Sahil vs. Fatima Nisha) pending before 3rd Additional Principal Judge, Family Court, Durg (CG) is transferred to Family Court, Bemetara (CG), it would be convenient not only for the petitioner/wife, but also to the respondent/husband, as he can appear in both the cases in the Court of Bemetara. Hence, it is prayed that present transfer petition may be allowed and Civil Suit No.A/1085/2025 (Shaikh Sahil vs. Fatima Nisha) pending before 3rd Additional Principal Judge, Family Court, Durg (CG) be transferred to Family Court, Bemetara, Distt. Bemetara(CG).

3. Despite service of notice, neither the respondent is present nor any representation is made on his behalf.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the matter of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik (2022 SCC Online SC 1199)**, their Lordships of the Supreme Court has held as under:-

"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.”

6. Hon'ble Supreme Court in the case of **Sumita Singh -v- Kumar Sanjay and another [(2001) 10 SCC 41]** has observed that if husband files suit against wife, then convenience of wife must be looked into. Hon'ble Supreme Court in the case of **Rajani Kishor Pardeshi -v- Kishore Babulal Pardeshi [(2005) 12 SCC 237]** has observed that the convenience of wife is to be preferred over the convenience of the husband.
7. As per the petitioner, one maintenance case bearing No.285/2025 is already pending against the respondent/husband before Family Court, Bemetara and he has to attend that proceeding, hence, it would be convenient for the respondent/husband also if the divorce case bearing Civil Suit No.A/1085/2025 (Shaikh Sahil vs. Fatima Nisha) pending before 3rd Additional Principal Judge, Family Court, Durg (CG) is transferred to Family Court, Bemetara Distt. Bemetara (CG).
8. Considering the fact situation of the case and also considering the aforecited case laws, wherein it has been observed that, in transfer of matrimonial cases, the wife's convenience must be looked into, in the considered opinion of this Court, it is a fit case for transfer of the civil suit, as prayed for.
9. Accordingly, the instant transfer petition is allowed. It is ordered that Civil Suit No.A/1085/2025 (Shaikh Sahil vs. Fatima Nisha) pending before 3rd Additional Principal Judge, Family Court, Durg (CG) be transferred to Family Court, Bemetara Distt. Bemetara (CG), for its trial/ disposal in accordance with law. The 3rd Additional Principal Judge, Family Court, Durg is directed to transmit the record of the above case to the Family Court, Bemetara , within a period of 15 days.



10. Further, the Judge, Family Court, Bemtara is directed to expedite the trial and conclude the same expeditiously, preferably within a period of four months from the date of receipt of the record from transferring Court. The parties are also directed to cooperate with the concerned Family Court for early disposal of the case.

11. In view of above order, pending interim application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge