



2026:CGHC:25669



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 33 of 2026

Smt. Rakhi Gajbhiye W/o Pritesh Patil Aged About 32 Years R/o Dagniya Bazar Near Pani Tanki Sonkar Badi, Raipur District Raipur Chhattisgarh
Present Address Teachers Colony Sonkar Badi, Near Unganiya Pani Tanki District Raipur Chhattisgarh

... Petitioner.

Versus

Pritesh Patil S/o Yadavram Patil Aged About 38 Years R/o House No. 296, Sahid Bhagat Singh Marg Ramnagar Supela, Bhilai District Durg Chhattisgarh

... Respondent.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Ms. Sweksha Sharma, Advocate.
For Respondent	:	Mr. Shivam Agrawal, Advocate.

(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 divorce case bearing Civil Suit No.941/2025 pending before the learned Principal Judge, Family Court, Durg to the Court of learned Principal Judge, Family Court, Raipur.
2. As per the contents of the transfer petition, the marriage of the petitioner/wife was solemnized with the respondent/husband on 10.05.2024



at Raipur. Sometime after the marriage, the relationship between the parties turned sour, and the respondent ousted the wife from the matrimonial home. Subsequently, the petitioner started residing at her parental house in Raipur. Thereafter, the respondent/husband filed an application for divorce before the Family Court, Durg, bearing C.S. No. 941/2025, the transfer of which is sought in the present petition.

3. Learned counsel for the petitioner submits that within a short period of their marriage, the relationship between the petitioner and the respondent became sore. She further submits that the distance between Raipur and Durg is 70 km to and fro, and since the petitioner's father is suffering from an illness and there is no other male member in her family to escort her, it would be difficult for her to travel this distance to attend the Court proceedings time and again. She also submits that the wife has filed an application under Section 144 of the BNSS for grant of maintenance before the Family Court, Raipur, which is currently pending consideration. It is further submitted that it is well-settled law that the convenience of the wife must be looked into while considering a transfer petition. Therefore, it is prayed that the transfer petition may be allowed.
4. Per contra, learned counsel for the respondent opposes the prayer for transfer and submits that a to-and-fro distance of 70 km is not excessive, especially since there is direct bus and train connectivity between Durg and Raipur. He further submits that the wife filed the maintenance case only after the divorce petition was instituted. Furthermore, the petitioner has not filed any medical documents to show the current health status of her father, and since she is about 32 years of age, there is no difficulty for her to travel and



return on the same day. Hence, he prays that the transfer petition may be rejected.

5. I have heard learned counsel for the parties and perused the material placed on record.
6. 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."

7. 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.
8. Although the distance between Durg and Raipur is only 70 km to and fro and direct connectivity is available, it is contended by the learned counsel for the



petitioner that apart from her father, who is reportedly suffering from various ailments, there is no other male member in the family to escort her. Furthermore, a maintenance application filed by the wife under Section 144 of the BNSS is already pending consideration before the Family Court, Raipur. Consequently, it would also be convenient for the husband to appear and contest both proceedings at Raipur.

9. Considering the fact' situation of the case and also considering the aforecited law settled by Hon'ble Supreme Court, wherein it has been observed that, in transfer of matrimonial cases, the wife's convenience must be looked into, this Court is inclined to allow the prayer of the petitioner for transfer of the divorce case filed by the respondent.
10. Accordingly, the instant transfer petition is **allowed**. It is ordered that case bearing Civil Suit No.941/2025 (Pritesh Patil Vs. Smt. Rakhi Gajbhiye) pending before the learned Principal Judge, Family Court, Durg be transferred to the Family Court, Raipur for its trial/disposal in accordance with law.
11. The concerned Court is directed to transmit the record of the aforesaid case to the transferee Court within a period of 15 days from the date of receipt or communication of this order.
12. Further, the transferee Family Court is directed to expedite the trial and conclude the same expeditiously, preferably within a period of 4 months from the date of receipt of the record. The parties are also directed to cooperate with the Family Court for the early disposal of the case.



13. However, the respondent/husband is at liberty to join the proceedings before the concerned Family Court through Video Conferencing on dates when his personal appearance is not explicitly required by the Court.
14. Pending interim application, if any, stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay