



2026:CGHC:32496



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 41 of 2026

Smt. Devika Sahu @ Sanjna W/o Shri Vinod Kumar Sahu, D/o Shri Ganguram Sahu Aged About 25 Years R/o Village Jamgaon, Post - Pahda, Tahsil And P/s. Berla, District Bemetara Chhattisgarh

... Petitioner.

Versus

Vinod Kumar Sahu S/o Shri Santram Sahu Aged About 26 Years R/o Mobile Tower, V.I.P. Colony, Post - Beergaon, P/s Urla, Tahsil And District Raipur Chhattisgarh

... Respondent.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Rajkumar Pali, Advocate.
For Respondent	:	Ms. Shahreen Siddiqui, Adv on behalf of Mr. Pragalbha Sharma, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

29/07/2026

1. The petitioner/wife has preferred this transfer petition under Section 24 of the Code of Civil Procedure, 1908 (henceforth 'CPC') seeking the transfer of the application under Section 10 of the Hindu Marriage Act, 1955 (Judicial Separation) filed by the respondent/husband, bearing Case HMA No.1150/2025 (Vinod Kumar Sahu Vs. Smt. Devika Sahu) from the Family Court Raipur to the Family Court Bemetara.



2. Learned counsel for the petitioner submits that the marriage of the petitioner/wife was solemnized with the respondent/husband on 25.02.2024. However, after some time of marriage, the respondent started harassing the petitioner and subjected her to mental and physical cruelty, due to which, the petitioner was compelled to leave the matrimonial home. Thereafter, she started residing at her parental house at Bemetara with her old aged parents. Subsequently, the petitioner has filed application under Section 10 of the Hindu Marriage Act Raipur. Apart from that, the petitioner has filed an application under Section 9 of the Hindu Marriage Act before the Family Court Bemetara bearing Case No.A/6/2026 in which respondent has also entered his appearance. He further submits that the petitioner has no independent source of income and is unable to travel to the Family Court Raipur for every hearing due to the distance of approximately 140 kilometers to and fro. He also contends that it is a well-settled position of law that the convenience of the wife must be kept paramount while considering a transfer petition. Therefore, it is prayed that the transfer petition may be allowed.
3. Learned counsel for the respondent stated no objection to the prayer of transfer of case.
4. I have heard the learned counsel for the parties and perused the material placed on record.
5. 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.



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. Taking into consideration the facts and circumstances of the case, the well-settled legal position that the convenience of the wife is paramount in matrimonial disputes, and the fact that one case filed by the petitioner is already pending before the Family Court at Bemetara and further considering the no objection raised by the respondent, this Court is of the opinion that it would be just and proper to transfer the proceedings to the Family Court Bemetara. This will mitigate the hardship faced by the petitioner/wife and enable both parties to attend hearings at one location.
8. Consequently, in view of the settled law and the submissions made by the applicant, the transfer petition is **allowed**. It is ordered that Case HMA No.1150/2025 (Vinod Kumar Sahu Vs. Smt. Devika Sahu) be transferred



from the Family Court Raipur to the **Family Court Bemetara**, for trial and disposal in accordance with law.

9. The transferor Court is directed to transmit the record of the case to the transferee Court within a period of 15 days from the date of receipt or communication of this order.
10. Further, the transferee Family Court is directed to expedite the trial and conclude the proceedings expeditiously, preferably within a period of 4 months from the date of receipt of the record. The parties are directed to cooperate with the Family Court for an early and efficacious disposal of the case.
11. However, the respondent/husband shall be at liberty to join the proceedings before the Family Court through video conferencing on dates when his personal appearance is not explicitly required by the court.
12. Pending interim applications, if any, stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay