



2026:CGHC:38623



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 48 of 2026

Amar Rajak S/o Shri Ram Sai Aged About 38 Years R/o House No. 35/272,
Near Primary School Torwa R.S. Bilaspur District- Bilaspur (C.G.)

--- **Petitioner.**

Versus

Shrimati Maya Rajak Alias Dipanki W/o Amar Rajak Aged About 31 Years R/o
C/o Narayan Rajak House Number 130, Ward Number 53, Gayatri Nagar,
Potiakala Tehsil And District- Durg (C.G.) 491001.

--- **Respondent.**

WITH

TPC No. 200 of 2025

Shrimati Maya Rajak Alias Dipanki W/o Amar Rajak Aged About 31 Years
Presently Residing At C/o Narayan Rajak, House Number 130, Ward Number
53, Gayatri Nagar, Potiakala, Tehsil And District Durg C.G. 491001

--- **Petitioner.**

Versus

Amar Rajak S/o Shri Ram Sai Aged About 38 Years R/o House No. 35/272,
Near Primary School Torwa, R.S. Bilaspur, District Bilaspur C.G. 495004

--- **Respondent.**

(cause title downloaded from CIS Periphery)

For Husband (Amar Rajak)	:	Mr. Aryan Mishra, Advocate
For Wife (Maya Rajak)	:	Mr. Ashwin Panickar, Advocate.



(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

01/09/2026

1. For convenience, the parties are referred to as the husband and the wife.
2. The husband, Amar Rajak, has filed TPC No. 48 of 2026 under Section 24 of the Code of Civil Procedure, 1908 (CPC). He seeks the transfer of the maintenance application filed by the wife under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), registered as MJC (Criminal) No. 1157/2025 (Shrimati Maya Rajak @ Dipanki v. Amar Rajak), from the Family Court, Durg to the Family Court, Bilaspur.
3. The wife, Shrimati Maya Rajak @ Dipanki, has filed TPC No. 200 of 2025 under Section 24 of the CPC. She seeks the transfer of the application for Restitution of Conjugal Rights filed by the husband under Section 9 of the Hindu Marriage Act, registered as Civil Suit No. 736A/2025 (Amar Rajak v. Shrimati Maya Rajak @ Dipanki), from the Family Court, Bilaspur to the Family Court, Durg.
4. Briefly stated, the marriage between the parties was solemnized on 06.03.2025 according to Hindu rites and rituals. However, within 11 days, their relationship soured, and the wife left the matrimonial home to reside at her parental house in Durg. Subsequently, the husband filed an application under Section 9 of the Hindu Marriage Act (Civil Suit No. 736A/2025) before the Family Court, Bilaspur. Meanwhile, the wife filed an application for maintenance under Section 144 of the BNSS (MJC (Criminal) No. 1157/2025) before the Family Court, Durg. Through these transfer petitions, both parties seek the transfer of the cases to the Family Court within their respective home districts.



5. Learned counsel for the husband submits that the wife left the matrimonial home without any valid reason. The husband lives in Bilaspur and cares for his 78-year-old father, who suffers from multiple medical ailments, and no other help is available to him. Upon inquiry, counsel stated that the husband's brother and sister live separately in Bilaspur. Therefore, it is difficult for the husband to travel to Durg for every hearing. Relying in the case of Anindita Das Vs. Srijit Das (2005 SCC OnLine 1243) and Preeti Sharma v. Manjit Sharma (2005 SCC OnLine SC 898), counsel argues that being a woman does not automatically mean the wife cannot travel to other places. Therefore, he prays for the transfer of the wife's case to the Family Court, Bilaspur.
6. On the other hand, learned counsel for the wife submits that soon after the marriage, the husband began harassing her. He allegedly recorded their private moments using CCTV cameras and threatened to circulate the footage on social media. Apprehending a threat to her life, the wife has lodged a complaint with the Superintendent of Police, Durg. Counsel therefore prays that the case filed by the husband be transferred to the Family Court, Durg.
7. Learned counsel for both parties jointly state that although direct bus and train connectivity exists between Durg and Bilaspur, but the to and fro distance is approximately 300 km, making frequent travel for hearings very difficult.
8. I have heard learned counsel for both parties and perused the record.
9. 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.

10. 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."

11. Considering the facts and circumstances of the case, the settled legal position giving primary consideration to the convenience of the wife in matrimonial disputes, and further considering the fact that the maintenance case is already pending before the Family Court, Durg, this Court finds it just and proper to transfer the proceedings of Civil Suit No.736A/2025 to the Family Court, Durg. This will mitigate the hardship faced by the wife and allow both matters to be heard in a single location.
12. Accordingly, TPC No. 200 of 2025 filed by the wife is **allowed**, and TPC No. 48 of 2026 filed by the husband is **rejected**.



13. It is ordered that Civil Suit No. 736A/2025 (Amar Rajak v. Shrimati Maya Rajak @ Dipanki) be transferred from the Family Court, Bilaspur to the Family Court, Durg for trial and disposal in accordance with law.
14. The transferor Court is directed to transmit the complete case records of aforesaid case to the transferee Court within 15 days from the date of receipt or communication of this order.
15. The Family Court, Durg is directed to expedite the trial and conclude proceedings in both cases expeditiously preferably within an outer limit of 4 months from the date of communication of this order. Both parties are directed to cooperate with the Family Court for an early and effective disposal.
16. The husband shall be at liberty to attend proceedings before the Family Court Durg through video conferencing on dates when his physical appearance is not specifically required by the Family Court.
17. Pending interim applications, if any, stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay