



2026:CGHC:32179



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 46 of 2026

Smt. Chhavi Nirnejak @ Smt. Chhavi Rajak W/o Shri Anil Rajak Aged About 30 Years D/o Shri Ashok Nirnejak, R/o Ward No. 21, Kashi Nagar, Korba, District Korba (C.G.)

... Petitioner.

Versus

Anil Rajak S/o Shri Vishnu Rajak Aged About 33 Years R/o Hardikala Tona, Tahsil Bodri, Police Station Sirgitti, Bilaspur District Bilaspur (C.G.)

... Respondent.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Ms. Ankita Goswami, Advocate.
For Respondent	:	Mr. Syed Ishhadil Ali, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

28/07/2026

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 divorce petition filed by the respondent/husband, bearing Civil Suit No.268A/2024 (Anil Rajak Vs. Smt. Chhavi Nirenjak) from the Family Court, Bilaspur to the Family Court, Korba.
2. Learned counsel for the petitioner submits that the marriage of the petitioner/wife was solemnized with the respondent/husband on 30.06.2020 and out of said wedlock they blessed with daughter who is now aged about 3



years. She further submits that the child is suffering from epilepsy. She further submits that after some time of marriage, the respondent started harassing the petitioner 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 with her 3-year-old daughter. She has also filed an application under Section 144 of the BNSS bearing MJC No.152/2024 which is pending consideration before the Family Court Korba and in the said case the husband has already entered his appearance. She further submits that the petitioner has no independent source of income and is unable to travel to the Family Court Bilaspur with her minor daughter for every hearing due to the distance of approximately 240 kilometers to and fro from her current residence. 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 made by the petitioner.
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, further considering the age of minor daughter, the travel distance involved (approximately 240 km to and fro) and that one maintenance case is already pending before the Family Court Korba, this Court finds it just and proper to allow the application as this will mitigate the hardship faced by the petitioner/wife and enable both parties to attend hearings in 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 Civil Suit No.268A/2024 (Anil Rajak Vs. Smt. Chhavi Nirenjak) be transferred from the



Family Court, Bilaspur to the **Family Court, Korba** 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