



2026:CGHC:37334



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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 53 of 2026

Chandraprabha W/o Vasudev, D/o Basantdas Manikpuri Aged About 23 Years R/o Gokul Nagar, Gali No. 2, Behind Sheetal Bhawan Gali, Sardar Vallabh Bhai Patel Ward No. 24 Post Ganjpara Raipur, P.S. Raipur, Tahsil And District Raipur, C.G. Mob.No. 9589574383

... **Petitioner****versus**

Vasudev S/o Late Arjundas Manikpuri Aged About 26 Years R/o Village Tendo, P.S. And Tahsil Thankhamhariya, District- Bemetara, C.G., Mob No. 8817491928

... **Respondent**

For Petitioner	:	Mr. Tapan Kumar Chandra, Advocate
For Respondent	:	Mr. Utsav Mahishwar, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

20.08.2026

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.141-A/2025 (Vasudev vs. Chandraprabha) pending before Family Court, Bemetara to Family Court Raipur (CG).
2. Fact of the case, in brief are that, marriage of petitioner/wife was solemnized with the respondent/husband on 12.06.2023 according to the Hindu rituals and customs. After few months of the marriage, dispute arose between the parties on account of demand of dowry. In October 2024, the respondent took the petitioner to her maternal house at Raipur and left there. Thereafter the petitioner filed application under Section 144 of the BNSS for maintenance before the Family Court



Raipur. The respondent has also filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before Family Court, Bemetara. The petitioner has sought transfer of the said proceeding to the Family Court, Raipur.

3. Learned counsel for the petitioner submits that to and fro distance between Raipur and Bemetara is around 140 Km., and it would be difficult for the petitioner to travel such distance to attend the Court proceedings at Bemetara. It is further submitted that the petitioner has filed one application for maintenance under Section 144 BNSS against the respondent/husband bearing No. 195/2025, which is pending consideration before Family Court Raipur, in which the respondent has entered his appearance. Hence, if the civil suit filed by the respondent is transferred from Family Court, Bemetara to Family Court Raipur, it would be convenient for not only for the petitioner/wife, but also to the respondent/husband, as he can appear in both the cases in the Court of Raipur. He further submits that it is settled law that the convenience of wife is to be preferred over the convenience of the husband. Hence, it is prayed that present transfer petition may be allowed and the petition bearing Civil Suit No.141-A/2025 (Vasudev vs. Chandraprabha) pending before Family Court, Bemetara be transferred to Family Court Raipur (CG).

4. On the other hand, learned counsel for the respondent submits that there is direct bus connectivity between Bemetara and Raipur, the petitioner is a young lady, therefore, she can easily travel from Raipur to Bemetara to attend the Court proceedings. Hence, this transfer petition may be rejected.

5. I have heard learned counsel for the petitioner 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. As per the petitioner, one case under Section 144 BNSS, bearing No. 195/2025, for maintenance is pending against the respondent/husband before Family Court Raipur and he has to attend that proceeding, hence, it would be convenient for the respondent/husband also if the Civil Suit No.141-A/2025 (Vasudev vs. Chandraprabha) pending before Family Court, Bemetara is transferred to Family Court Raipur (CG).
9. 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.
10. Accordingly, the instant transfer petition is allowed. It is ordered that Civil Suit No.141-A/2025 (Vasudev vs. Chandraprabha) pending before Family Court, Bemetara be transferred to Family Court Raipur (CG) for its trial/ disposal in accordance with law. The Judge, Family Court, Bemetara, Distt. Bemetara is



directed to transmit the record of the above case to the Family Court, Raipur, Distt.

Raipur, within a period of 15 days.

11. Further, the Judge, Family Court, Raipur 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. If the personal appearance of the respondent is not required, he may be permitted to appear through Video Conferencing.

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

Sd/-

(Naresh Kumar Chandravanshi)

Judge

Bini