



2025:CGHC:48046



2025:CGHC:48046

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**TPC No. 74 of 2025**

1 - Smt. Sanjana @ Manisha Jaiswal W/o Jaiprakash Diksena Aged About 24 Years D/o Dr. Shri Vinod Jaiswal @ Tarkeshwar Jaiswal, Caste- Kalar, R/o Village- Khairwar, Police Station And Tahsil- Pipariya, District- Kabirdham (C.G.)

... Petitioner**versus**

1 - Jaiprakash Diksena S/o Shri Ramswaroop Diksena Aged About 29 Years Caste- Kalar, R/o In Front Of New Bus Stand, Main Road, Pali District- Korba, Chhattisgarh

... Respondent

For Petitioner	: Mr. Chandrikaditya Pandey, Advocate
For Respondent	: Ms. Jyoti Rathore, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari**Order On Board****18/09/2025**



1. This petition has been filed under Section 24 of the Civil Procedure Code, 1908 by the petitioner/wife seeking transfer of Civil Suit No.16A/2025 (filed by the respondent/husband) from the Family Court, Katghora, District Korba to the Family Court, Kawardha, District Kabirdham (CG).
2. The marriage between the parties was solemnized on 09.02.2023. After sometime, the dispute arose between the parties. The respondent/husband has filed an application against the petitioner under Section 13 of the Hindu Marriage Act, 1955 before the Family Court, Katghora, District Korba for grant of decree of divorce.
3. Learned counsel for the petitioner submits that the wife is facing difficulties to travel for appearance before the Family Court Katghora, District Korba due to long distance. Therefore, he prays to transfer the said case for the convenience of the wife to participate in the proceedings.
4. On the other hand, learned counsel for the respondent/husband opposes the prayer of the petitioner.
5. Heard learned counsel for the parties and also perused the documents annexed with the petition carefully.
6. In the matter of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik (2022 SCC Online SC 1199)** the Hon'ble Supreme Court has observed that generally it is wife's convenience which must be looked at while considering transfer. The relevant portion of the aforesaid judgment is reproduced hereunder:-



"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.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions."

7. Having regard to the submissions of learned counsel for the petitioner and in view of the aforesaid principles, this Court is inclined to allow the prayer made by the petitioner.
8. Consequently, the Transfer Petition is **allowed** and it is ordered that Civil Suit No.16A/2025 pending before the Family Court, Katghora, District Korba be transferred to the Family Court, Kawardha, District Kabirdham for its trial/disposal in accordance with law.



2025:CGHC:48046

9. Further, the respondent/husband would be at liberty to participate in the proceedings through video conferencing/virtually unless otherwise directed by the concerned Court.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priyanka