



2025:CGHC:38922



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****TPC No. 82 of 2025**

Smt. Aarti Dewangan W/o Shailendra Kumar Dewangan Aged About 40 Years R/o Hari Om Nagar Dongargau Tahsil And Distt.- Rajnandgaon (C.G.), At Present R/o C/o Father Hemant Dewangan Parsuram Ward Bhatapara Tahsil Bhatapara Distt.- Baloda-Bazar Bhatapara C.G.

... Petitioner**versus**

Shailendra Kumar Dewangan S/o Late Kamalkant Dewangan Ramnarayan Gupta Aged About 41 Years R/o House No. 18, Ward No. 08, Hariom Nagar Dongaragau Tahsil Dongaragau Distt.- Rajnandgaon (C.G.)

... Respondent

For Petitioner	: Mr. Vijay Kumar Mishra, Advocate
For Respondent	: Mr. Deepak Diwakar, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****05.8.2025**

1. Petitioner/wife has preferred this transfer petition under Section 24 of the Civil Procedure Code, 1908 (henceforth 'CPC') for transfer of Civil Suit No.A/229/2024 (Shailendra Kumar Dewangan vs. Aarti Dewangan) pending before Judge, Family Court, Rajnandgaon to Family Court, Baloda Bazar, Distt. Balida Bazar, Bhatapara (CG).
2. Learned counsel appearing for the petitioner/wife submits that marriage of petitioner/wife was solemnized with the respondent/husband on 11.12.2020 in accordance with Hindu rites and customs. He would further submit that the petitioner is the second wife of the respondent, as first wife of the respondent had



died on 24.01.2020. After two years of the marriage, due to harassment meted out to the petitioner/wife by the respondent/husband on various counts, she has been compelled to live apart, therefore, she is residing with her parents at Baloda Bazar. He would next submit that in the maintenance case bearing Civil Suit No.339/2023 filed by the petitioner/wife before Family Court, Baloda Bazar, respondent/husband was directed to pay Rs.3,000/- per month as maintenance to the petitioner/wife, but for the last three months, he is not paying the amount. He would further submit that the respondent has filed divorce petition bearing Civil Suit A/229/2024 which is pending consideration before Judge, Family Court, Rajnandgaon. He would next submit that, to and fro distance between Baloda Bazar to Rajnandgaon is about 350 km and there is no direct connectivity between these two places via road and rail. The petitioner has no source of income and as her parents are old aged persons, they are unable to accompany her to travel such distance to attend the Court proceedings at Rajnandgaon. Hence, it is prayed that present transfer petition may be allowed and Civil Suit No.A/229/2024 pending before Judge, Family Court, Rajnandgaon be transferred to Family Court, Baloda Bazar, Distt. Baloda Bazar-Bhatapara (CG).

3. Per contra, learned counsel for the respondent would submit that the petitioner is residing apart from her husband/respondent without any sufficient reason. He would further submit that though to and fro distance between Rajnandgaon and Baloda Bazar is 350 Km, but these two places are connected with bus services, therefore, it would not be difficult for the petitioner, who is young lady of 40 years, to travel such distance. Hence, instant transfer petition may be rejected.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. 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."

6. 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.

7. In the instant case, to and fro distance between Rajnandgaon and Baloda Bazar is 350 km and there is no direct connectivity between these two places, parents of the petitioner are said to be old aged persons; further there is no male member in the family of the petitioner to accompany her in travelling from Baloda Bazar to Ranjnandgaon.

8. Considering the fact situation of the case and the distance between aforesaid two places and further considering the aforesaid 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.



9. Accordingly, the instant transfer petition is allowed. It is ordered that Civil Suit No.A/229/2024 (Shailendra Kumar Dewangan vs. Aarti Dewangan) pending before Judge, Family Court, Rajnandgaon be transferred to Family Court, Baloda Bazar, Distt. Baloda Bazar, Bhatapara (CG) for its trial/ disposal in accordance with law. The Judge, Family Court, Rajnandgaon (CG) is directed to transmit the record of the above case to the Family Court, Baloda Bazar, within a period of 15 days.

10. Further, the Family Court, Baloda Bazar 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.

11. In view of above order, pending interim application, if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge