



2026:CGHC:3805



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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 141 of 2024

Smt. Kalpna Dewangan W/o Rakesh Dewangan Aged About 33 Years
R/o - C/o - Anak Ram Dewangan, Mandi Gate Pandri Tarai, Pragati
Maidan, Police Station - Mova Raipur, District Raipur, Chhattisgarh.

... **Petitioner**

versus

Rakesh Dewangan S/o Late Shankar Lal Dewangan Aged About 35
Years R/o Golapuri, Police Station Kurud, Tahsil And District - Dhamtari,
Chhattisgarh.

... **Respondent**

(Cause-file taken from the Case Information System)

For Petitioner	:	Mr. Ayan Mirza, Advocate on behalf of Mr. Ali Afzaal Mirza, Advocate.
For Respondent	:	Mr. Ritesh Verma, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge
Order on Board

22/01/2026

1. By this petition, the petitioner is seeking the transfer of HM Case No. 77A/2024 (Rakesh Dewangan Vs. Smt. Kalpna Dewangan) under Section 13 of the Hindu Marriage Act, 1955 pending before the learned Family Court, Dhamtari, C.G. to the learned Family Court Raipur, C.G.
2. Learned counsel for the petitioner submits that according to the application filed under Section 13 of Hindu Marriage Act filed by the respondent, the marriage between the petitioner and respondent



were solemnized on 08.02.2015 under Hindu customs. After about fifteen days of marriage, the petitioner went to her parental home to celebrate Tija and returned after one month. Upon her return, the respondent/husband noticed that the petitioner/wife refused to establish physical relation. Thereafter, on 18.10.2019, the petitioner called her parents and left the matrimonial home without informing the respondent. After reaching her parental house, she informed the respondent that she would reside with him only if he agreed to live separately with her in the city/town, as she was unwilling to live in the village. Despite repeated efforts by the respondent/husband, the petitioner/wife refused to come. Subsequently, in June 2020, the petitioner lodged a report under Section 498-A of the IPC before the Mahila Thana, pursuant to which, the respondent and his family members are facing trial. Thereafter, on the ground of cruelty and desertion, the respondent/petitioner filed an application under Section 13 of the Hindu Marriage Act on 25.06.2024 before the Family Court, Dhamtari. Learned counsel submits that the parents of the petitioner are elderly and suffer from ongoing medical issues with extensive medical histories. He further submits that the petitioner has no other male family member at home except her old father, who is aged and can't go with her to the Family Court in Dhamtari.

3. Learned counsel for the respondent opposes the prayer made in the petition.
4. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.



5. 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."

6. Having regard to the submissions of learned counsel for the parties and in view of the aforesaid principles, this Court is inclined to allow the prayer made by the petitioner.
7. Consequently, the Transfer Petition is **allowed** and it is ordered that HM Case No. 77A/2024, (Rakesh Dewangan Vs. Smt. Kalpna Dewangan) which is pending before the learned Family Court,



Dhamtari, C.G. be transferred to the learned Family Court Raipur, C.G. for its trial/disposal in accordance with law.

8. Further, the respondent/husband would be at liberty to participate in the proceedings through video conferencing/virtually unless otherwise directed by the concerned Court.
9. Both the parties are directed to remain present before the Court of learned Family Court, Raipur, C.G. on **19.02.2026**.

SD/-
(Bibhu Datta Guru)
Judge

Amardeep