



2026:CGHC:3880

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**TPC No. 131 of 2025**

Sonam Agrawal W/o Vikas Agarwal, D/o Pawan Kumar Goyal
Aged About 34 Years R/o Goyal Collection, M.G. Chowk,
Manendragarh, District - Koriya Chhattisgarh

... Petitioner(s)**versus**

Vikas Agarwal S/o Late Vishnu Agarwal Aged About 42 Years
R/o Kalindi Kunj, House Number-54, Raigarh Tehsil And District
- Raigarh Chhattisgarh

... Respondent(s)***(Cause title taken from CIS)***

For Petitioner(s) : Shri Pavas Sharma, Advocate.

For Respondent(s) : Shri Hari Agrawal, Advocate.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board**22/01/2026**

1. The instant petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the petitioner/wife seeking transfer of matrimonial case titled "Vikas Agrawal vs. Sonam Agrawal" bearing C.S. No. F-107A/2025, pending before the learned Judge, Family Court, Raigarh (C.G.), to the Court of learned Judge, Family Court, Manendragarh, District Manendragarh-Chirmiri-Bharatpur (C.G.).
2. The marriage between the petitioner and the respondent was solemnized on 24.02.2012 at Raigarh (C.G.) as per Hindu customs and rituals. Out of the said wedlock, two minor children, namely Miss Sovi Agrawal and Master Vansh Agrawal, were born. The petitioner is presently residing at Manendragarh, District Manendragarh-Chirmiri-Bharatpur (C.G.) along with her two minor children, who are entirely dependent upon her for their care, upbringing and education.
3. The respondent/husband has filed a petition under Section 13(1)(a) and 13(1)(i)(b) of the Hindu Marriage Act,

1955 before the Family Court, Raigarh, which is registered as C.S. No. F-107A/2025 and is pending adjudication. The petitioner has been directed to appear before the said Court vide notice dated 15.07.2025.

4. It is further submitted that multiple proceedings between the parties are already pending at Manendragarh. The petitioner along with her minor children has filed an appeal under Section 29 of the Protection of Women from Domestic Violence Act, which is pending before the learned 1st Additional Sessions Judge, Manendragarh, District M.C.B. The respondent has also filed an appeal against the maintenance order, which is pending before the learned 1st ASJ, Manendragarh/Koriya.
5. Learned counsel for the petitioner submits that the petitioner, being a lady and the sole caretaker of two minor children, is facing serious hardship in traveling to Raigarh. It is contended that traveling with the children or leaving them unattended would adversely affect their welfare. It is further argued that since connected proceedings are already pending at Manendragarh, it

would be convenient and in the interest of justice that the matrimonial case be transferred to Manendragarh.

6. Learned counsel for the respondent opposes the prayer for transfer. Learned counsel would submit that on a complaint made by the petitioner proceeding under Section 498A IPC were initiated in which the respondent was threatened by the petitioner and her family members against which a report was filed and thereafter, the respondent and his family members filed TPCR No. 01/21 before this Court seeking transfer of Criminal case No. 100/2018 pending before the Court of JMFC Manendragarh Korea. The said TPCR was disposed of by this Court vide order dated 15.07.2022 observing that if the application is made by the respondent herein for providing police protection on the date of appearance before the Court for evidence, the same may be provided by Superintendent of Police, Koriya subject to payment of usual charges. Thus, from the aforesaid facts it is evident that the petitioner herself is harassing the respondent and his family members by one or other way.

7. Heard learned counsel for the parties and perused the documents placed on record.
8. As far as the allegation of threat at the time when 498 A proceeding was going on, the counsel for the respondent fairly submits that after the order of High Court passed in TPCR No.1/2021 when liberty was granted to respondent to approach Superintendent of Police no such untoward incident occurred and no occasion arises to lodge complaint to Superintendent of Police seeking protection. For ready reference para 6 of the order passed in TPCR No.1/2021 is quoted below :

"6. It is stated at the bar that some material witnesses have already been examined and only official witnesses are yet to be examined and defence has to examine their witnesses. In that view of the matter, I do not find any good ground to entertain the application under Section 407 of CrPC. The application is accordingly rejected. However, if the application is made by the petitioners for providing police protection on the date of appearance before the Court for evidence, the same may be provided by Superintendent of Police, Koriya subject to payment of usual charges for the date (s) of evidence of petitioner (s)."

9. 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.”

10. Having regard to the submissions of learned counsel for the parties and in view of the aforesaid principles and considering that the petitioner is residing at Manendragarh with two minor children, several connected proceedings are pending before Courts at Manendragarh, and the petitioner has demonstrated genuine hardship in attending the proceedings at Raigarh. Considering the distance involved, the welfare of the minor children, and the overall circumstances of the case, this Court is of the considered opinion that the ends of justice would be met by allowing the transfer petition.
11. Accordingly, the transfer petition is allowed. The matrimonial case titled “Vikas Agrawal vs. Sonam Agrawal” bearing C.S. No. F-107A/2025 pending before the learned Judge, Family Court, Raigarh (C.G.) is hereby transferred to the Court of learned Judge, Family Court, Manendragarh, District Manendragarh-Chirmiri-

Bharatpur (C.G.) for its trial and disposal in accordance with law.

12. The respondent/husband shall be at liberty to participate in the proceedings before the Family Court, Manendragarh through video conferencing/virtual mode, unless otherwise directed by the concerned Court. However, in the event the petitioners make an application seeking police protection on the date(s) of their physical appearance before the Court for further proceeding, such protection shall be provided by the Superintendent of Police, Koriya, subject to payment of usual charges for the relevant date(s) of proceeding of the respondent (s).
13. Both the parties are directed to appear before the Family Court, Manendragarh on 25.02.2026.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib