



2026:CGHC:10089



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**TPC No. 152 of 2025**

Smt. Jaya Dewangan W/o Abhishek Dewangan Aged About 29 Years
R/o Near Lovely Care School Durpa Road, Purani Basti, Korba, Tah-
And Dist- Korba (C.G.)

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

Abhishek Dewangan S/o Late Shri Kartikeshwar Dewangan Aged
About 32 Years R/o Rajiv Nagar, Street No.01, Near Milk Dairy, Kotra
Road, Raigarh, Dist- Raigarh (C.G.)

... Respondent(s)

For Petitioner(s) : Shri Sahil Sahu, Advocate.

For Respondent(s) : Ms. Sangeeta Kaushik, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge**Order on Board****26/02/2026**



1. The instant petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the petitioner/wife seeking transfer of Civil Suit No. F-95-A/2025 filed under Section 13(1) (ia) of the Hindu Marriage Act, 1955 by the respondent/husband, which is pending before the learned Judge, Family Court, Raigarh (C.G.), to the Court of learned Judge, Family Court, Korba (C.G.).
2. The petitioner and the respondent are legally wedded husband and wife. Their marriage was solemnized on 21.04.2024 at Korba (C.G.) in accordance with Hindu rites and customs. After marriage, the petitioner started residing with the respondent at his matrimonial home at Raigarh (C.G.).
3. It is the case of the petitioner that soon after marriage she was subjected to physical and mental cruelty by the respondent/husband and her mother-in-law, Smt. Purnima Dewangan. It is alleged that she was harassed without any fault on her part and was subjected to such treatment that she apprehended danger to her life and limb. Ultimately, she was compelled to leave her matrimonial home on 05.03.2025 and since then she has been residing at her parental house at



Korba. The petitioner has no independent source of income and is fully dependent upon her parents for her livelihood.

4. The respondent/husband has filed an application under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking dissolution of marriage before the learned Judge, Family Court, Raigarh, which has been registered as Civil Suit No. F-95-A/2025. In the said petition, the respondent has made allegations against the petitioner regarding cruelty and misconduct and has sought a decree of divorce. Notice has been issued to the petitioner and the matter is presently fixed for filing of reply.
5. It is further submitted that the petitioner has filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking maintenance before the learned Principal Judge, Family Court, Korba, which is registered as MJC No. 70/2025 and is pending consideration. Notice has already been issued to the respondent in the said proceedings.
6. It is also brought on record that the petitioner has instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the learned Judicial



Magistrate First Class, Korba, against the respondent and her mother-in-law, which is registered as MJC (Criminal) No. 5727/2025 and is pending adjudication.

7. Learned counsel for the petitioner submits that the petitioner is a permanent resident of Korba and Raigarh is situated at a distance of more than 100 kilometers from her residence. There is no direct convenient mode of transport available between Korba and Raigarh. The petitioner is residing with her aged parents and her father is suffering from ill health. She has no independent source of income and is not in a position to travel alone to Raigarh on each and every date of hearing. It is further contended that the transfer of the case from Raigarh to Korba would not cause any prejudice to the respondent and would also avoid multiplicity of proceedings, as other litigations between the parties are already pending at Korba.
8. Heard learned counsel for the petitioner and perused the material available on record.
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 made and considering that the petitioner is residing at Korba, has no independent source of income, and other proceedings between the parties are



already pending at Korba, this Court is of the opinion that ends of justice would be served if the matrimonial case pending at Raigarh is transferred to Korba.

11. Accordingly, the transfer petition is allowed. Civil Suit No. F-95-A/2025 pending before the learned Judge, Family Court, Raigarh (C.G.) is hereby transferred to the Court of learned Judge, Family Court, Korba (C.G.) for its trial and disposal in accordance with law.

12. Both the parties are directed to remain present before the Family Court, Korba on **30.03.2026**.

Sd/-
(**Bibhu Datta Guru**)
JUDGE

Shoaib