



2026:CGHC:9239



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 170 of 2025

Smt. Prerna Dwivedi W/o Shri Kundan Dwivedi @ Kundan Diwedi Aged About 38 Years Presently Residing At C/o Premlata Bajapi, Mangla Chowk, Aman Vihar, Chaddabadi, Mangla, Bilaspur, District : Bilaspur, Chhattisgarh

... Petitioner

versus

Kundan Diwedi @ Kundan Dwivedi S/o Shri Vinod Dwivedi Aged About 38 Years R/o House Of Arun Singh, Dr. Pathak Gali, Purana Anganbadi Bhagat Singh Ward No. 28, Bhatthi Road, Kedarpur, Ambikapur, District Surguja, Chhattisgarh Address (2) Trikon Chowk, Church Road, Ambikapur, District Surguja, Chhattisgarh Address As Per Annexure P-4- Devnagri, Amleshwar, Thana Amleshwar, District Durg, Chhattisgarh, Mobile No. 7000128578

... Respondent

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Aman Tamboli, Advocate.
For Respondent	: None, despite service of notice.

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

23/02/2026



1. Vide order dated 10/12/2025, this Court permitted the petitioner to serve notice upon the respondent through the counsel engaged by him before the concerned Family Court, Durg.
2. Pursuant thereto, the petitioner filed a covering memo dated 20/02/2026 along with an affidavit stating that the notice issued by this Court on 10/12/2025 has been duly served upon the counsel appearing on behalf of the respondent (husband) before the Family Court, Durg.
3. In view of the aforesaid affidavit and service report, it appears that notice has been duly served upon the respondent. However, despite service of notice, none appears on his behalf. Accordingly, this Court proceeds to hear the matter finally.
4. By this petition, the petitioner is seeking the transfer of Civil Suit No. A/827/2024, filed under Section 13 of the Hindu Marriage Act, 1955 pending before the learned Family Court, Durg, C.G. to the learned Family Court Bilaspur, C.G.
5. Learned counsel for the petitioner submits that the respondent/husband filed an application under Section 13 of the Hindu Marriage Act, 1955, against the petitioner, seeking a decree of divorce to dissolve the marriage solemnized between them on 11.06.2015, registered as Civil Suit No. A/827/2024. He further submits that the petitioner is a lady aged about 38 years and residing with her parents in Bilaspur alongwith her minor son since 2024; and she faces difficulties to attend the proceedings at Family Court Durg, which is situated at a considerable distance



from Bilaspur. Such travel imposes severe hardship upon the petitioner, therefore, the petition filed by the petitioner may be allowed.

6. I have heard learned counsel for the petitioner, perused the pleadings and documents appended thereto.
7. 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.”

8. 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.
9. Accordingly, the Transfer Petition is allowed and it is ordered that Civil Suit No. A/827/2024 which is pending before the learned Family Court, Durg, C.G. be transferred to the learned Family Court Bilaspur, C.G. for its trial/disposal in accordance with law.
10. Further, the respondent/husband would be at liberty to participate in the proceedings through video conferencing/virtually unless otherwise directed by the concerned Court.
11. Both the parties are directed to remain present before the learned Family Court, Bilaspur, C.G. on **19.03.2026**.

Sd/-
(BIBHU DATTA GURU)
JUDGE