



2026:CGHC:3881

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 192 of 2025

Smt. Akanksha Tiwari W/o Ashutosh Choubey, Aged About 25 Years
D/o Sachchidanand Tiwari, R/o Behind Sadangi Colony, Near
Temple, Chandmari, Raigarh, Tahsil And District Raigarh (C.G.)

... **Petitioner(s)**

versus

Ashutosh Choubey S/o Shri Bhupesh Kumar Choubey, Aged About
35 Years At Present R/o Panchsheel Nagar, Nayapara, Durg, Tahsil
And District Durg (C.G.)

... **Respondent(s)**

(Cause title taken from CIS)

For Petitioner(s)	: Shri Abhinav tiwari, Advocate.
For Respondent	: None, Despite Service of notice

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 Civil Suit No. CS-A/972/2025 filed under Section

12(1)(c) of the Hindu Marriage Act, 1955, pending before the learned Principal Judge, Family Court, Durg, to the Family Court, Raigarh (C.G.).

2. The petitioner and the respondent are legally wedded husband and wife. After marriage, the petitioner went to the matrimonial house of the respondent, where she was allegedly subjected to cruelty and was ultimately ousted from the matrimonial home. Since then, the petitioner is residing at her parental house at Raigarh.
3. The respondent/husband has instituted a petition under Section 12(1)(c) of the Hindu Marriage Act, 1955 before the learned First Additional Principal Judge, Family Court, Durg, which has been registered as CS-A/972/2025.
4. It is further submitted that the petitioner has filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking maintenance, which is pending before the Family Court, Raigarh.
5. Learned counsel for the petitioner submits that the petitioner is a lady having no independent source of income and is facing serious difficulty in travelling alone from Raigarh to Durg, which is at a distance of more than 200 kilometers. It is

further contended that the petitioner apprehends threat from the respondent and is not in a position to properly defend herself at Durg. It is, therefore, prayed that the matrimonial case pending at Durg be transferred to the Family Court, Raigarh, where the maintenance proceedings are already pending, for the convenience of the petitioner and to avoid multiplicity of proceedings.

6. Heard learned counsel for the petitioner and perused the material available on record.
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. Civil Suit No. CS-A/972/2025 pending before the learned Principal Judge, Family Court, Durg is hereby transferred to the Family Court, Raigarh (C.G.) for its trial and disposal in accordance with law.
10. The respondent/husband shall be at liberty to participate in the proceedings before the Family Court, Raigarh through video conferencing/virtual mode, unless otherwise directed by the concerned Court.

11. Both the parties are directed to remain present before the
Family Court, Raigarh on **23.02.2026**.

Sd/-
(Bibhu Datta Guru)
JUDGE

Shoaib