



2026:CGHC:25344

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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 43 of 2026

1 – Smt. Sarga Nath W/o Tapan Kumar Nath Aged About 57 Years R/o Mig-1/973/hudco/bhilai District Durg (C.G.)

... Petitioner

versus

1 - Tapan Kumar Nath S/o Late Narayan Chand Nath R/o House No. J/2, Satabdi Nager, Post Office Ravi Gram, Telibandha Raipur (C.G.)

... Respondent

(Cause title, as taken from Case Information System)

For Petitioner	:	Mr. Anurag Jha, Advocate.
For Respondent	:	Ms. Priyanshi Dubey, Advocate.

(Hon’ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board

22/06/2026

1. The petitioner/wife has filed the instant petition under Section 24 of the Code of Civil Procedure, 1908 (for short ‘CPC’), seeking transfer of Civil Case No.313/2024 (Tapan Kumar Nath vs. Smt. Sarga Nath), pending before the learned 2nd Additional Principal Judge, Family Court, Raipur, District Raipur, to the learned Family Court, Durg,

District Durg (CG).

2. Learned counsel for the petitioner submits that the marriage of petitioner/wife was solemnized with the respondent/husband on 09.03.1995 as per the Hindu rituals and customs. Out of the said wedlock, they have blessed with a son, who is presently more than 25 years of age. He further submits that the petitioner/wife was ousted from the matrimonial home by respondent/husband in the year 1997 and, since then, she has been residing at Bhilai (Durg) along with her son. It is further submitted that the respondent/husband has filed divorce petition under Section 13(1)(i-क)(i-ख) of the Hindu Marriage Act, 1955 (henceforth referred to as the 'Act, 1955') for dissolution of marriage, which is pending as Civil Case No.313/2024 before the learned 2nd Additional Principal Family Court, Raipur, District Raipur (CG). Learned counsel further submits that the petitioner/wife is an old lady aged about 58 years and has no source of income. He next submits that the distance between Bhilai (Durg) and Raipur is about 40 km and considering her advanced age and medical condition, including chronic ailments such as 'asthma', it would be difficult for her to travel to Raipur. Therefore, it is prayed that the transfer petition may be allowed and Civil Case No.313/2024 filed by respondent/husband be transferred from the 2nd Additional Principal Judge, Family Court, Raipur, District Raipur (CG) to the Family Court, Durg, District Durg (CG).
3. Per contra, learned counsel for the respondent/husband would submit that the respondent/husband is retired person aged about 63 years and is suffering from 'diabetes', therefore, it would be more difficult for him

to travel from Raipur to Durg, hence, she prays that the transfer petition may be rejected. To substantiate her contention, learned counsel has drawn the attention of this Court to certain medical documents issued by the MMI Narayana Multispeciality Hospital, Raipur.

4. I have heard learned counsel for the parties and perused the material available on record carefully.
5. Hon'ble Apex Court in **N.C.V. Aishwarya Vs. A.S. Saravana Karthik** reported in **2022 SCC Online SC 1199** held at para 9 which reads as under:-

"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."

6. Hon'ble Supreme Court in the matter of **Sumita Singh Versus Kumar Sanjay and another** reported in **2001 10 SCC 41** has observed that if husband files suit against wife, then convenience of wife must be looked into. Hon'ble Supreme Court in the matter of **Rajani Kishor**

Pardeshi Versus Kishore Babulal Pardeshi reported in **(2005) 12 SCC 237** has observed that the convenience of wife is to be preferred over the convenience of the husband.

7. Undisputedly, both parties are senior citizens and may be suffering from age-related ailments. It is somewhat surprising that, despite their advanced age and the fact that they have been residing separately since 1997, as submitted by learned counsel for the petitioner, the respondent/husband has filed divorce petition.
8. Though the distance between Raipur and Durg is said to be about 40 km only but this Court cannot lose sight of the principles laid down by the Hon'ble Supreme Court, wherein it has been consistently held that, in matrimonial cases, the convenience of wife ordinary deserves greater consideration. While, the respondent/husband may be suffering from diabetes, the medical documents filed by him pertain only to outpatient treatment (OPD). No inpatient records and discharge summary/slip have been filed.
9. Further, in view of the principles laid down in the aforecited case laws of Hon'ble Apex Court, wherein it has been observed that, in transfer of matrimonial cases, the wife's convenience must be looked into, this Court is of the considered opinion that the present case is fit one for transfer of the civil suit, as prayed for.
10. In view of the above, this Court is inclined to allow instant transfer petition.
11. Accordingly, the present transfer petition is **allowed**. It is ordered that the Civil Case No.313/2024 {Tapan Kumar Nath vs. Smt. Sarga Nath}, pending before the learned 2nd Additional Principal Judge, Family

Court, Raipur, District Raipur (CG), be transferred to the Family Court, Durg, District Durg (CG) for its trial/disposal in accordance with law. The 2nd Additional Principal Judge, Family Court, Raipur, District Raipur (CG) is directed to transmit the record of the aforesaid Civil Case No.313/2024 to the Family Court, Raipur, District Raipur (CG), within a period of 15 days from the date of receipt/submission of a copy of this order.

12. It is further directed that after receiving the case on transfer, the Family Court, Durg, District Durg shall consider and decide the same as early as possible, preferably within a further period of four months from the date of receipt of the record from the transferring Court. The parties are also directed to cooperate with the concerned Family Court for early disposal of the case.
13. Pending application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Rukhsar