



2026:CGHC:26238

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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 61 of 2026

**1 - Tamanna Begam W/o Majhar Khan Aged About 26 Years Resident Of Near I. T.I
Chakradharnagar Raigarh Tahsil And District- Raigarh (C.G.)**

... Petitioner

versus

**1 - Majhar Khan S/o Rasul Khan Aged About 30 Years Resident Of Mari Mai Road
Magarpara Police Station Civil Line Bilaspur Tahsil And District- Bilaspur (C.G.)**

... Respondent

(Cause title, as taken from Case Information System)

For Petitioner : Mr. Syed Afaq Hussain Rizvi, Advocate

For Respondent : None.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board

29/06/2026

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 Muslim Marriage Case No.19/2025 {Majhar Khan vs. Tamanna Begam}, pending before the learned Principal Judge, Family Court Bilaspur, District Bilaspur (CG), to the learned Family Court, Raigarh, District Raigarh (CG).

2. Learned counsel for the petitioner/wife would submit that the marriage of petitioner/wife was solemnized with the respondent/husband on 29.02.2024 as per the Muslim rites and customs. After about eight months of marriage, the respondent/husband left the petitioner at her parental home, where she has since been residing with her parents at Raigarh. He would further submit that the respondent/husband has filed a divorce petition under Section 7 of the Family Courts Act, 1984 (henceforth referred to as the 'Act, 1984'), which is pending as Muslim Marriage Case No.19/2025 before the Principal Judge, Family Court Bilaspur, District Bilaspur (CG), whereas the petitioner/wife has filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") seeking maintenance, which is pending as Cr. MJC No.F/155/2025 before the learned Judge, Family Court, Raigarh (CG). Learned counsel further submits that the distance between Raigarh and Bilaspur is about 320 km (to and fro). Though direct bus connectivity is available, the petitioner's father is an elderly aged person, and there is no other male member in the family to accompany her to attend hearing before the Family Court at Bilaspur. Hence, it is prayed that the transfer petition may be allowed and Muslim Marriage Case No.19/2025 filed by respondent/husband be transferred from the learned Principal Judge, Family Court Bilaspur, District Bilaspur (CG) to the Family Court, Raigarh, District Raigarh (CG).

3. Despite service of notice and filing of *vakalatnama*, none has appeared on behalf of the respondent.
4. I have heard learned counsel for the petitioner 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. Considering the fact that, the to-and-fro distance between Raigarh and Bilaspur is about 320 km and that the maintenance case bearing Cr. MJC No.F/155/2025, is already pending against the respondent/husband before the learned Judge, Family Court, Raigarh (CG), this Court is of the view that if Muslim Marriage Case No.19/2025 filed by respondent/husband is transferred from the Principal Judge, Family Court, Bilaspur, to the Family Court, Raigarh, then it would be convenient for respondent/husband also to attend proceedings at the same place in both the cases.
8. 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.
9. Consequently, the instant transfer petition is **allowed**. It is ordered that the Muslim Marriage Case No.19/2025 {Majhar Khan versus Tamanna Begam} pending before the Principal Judge, Family Court Bilaspur, District Bilaspur (CG), be transferred to the Family Court, Raigarh, District Raigarh (CG) for its trial/disposal in accordance with law. The Principal Judge, Family Court Bilaspur,

District Bilaspur (CG) is directed to transmit the record of the aforesaid Muslim Marriage Case No.19/2025 to the Family Court, Raigarh, District Raigarh (CG), within a period of 15 days from the date of receipt/submission of a copy of this order.

10. It is further directed that after receiving the case on transfer, the Family Court, Raigarh, District Raigarh (CG) 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.
11. Pending application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge