



CGHC010256202026



2026:CGHC:32112

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**TPCR No. 16 of 2026**

Smt. Vibha Sahu W/o Dr. Surya Kumar Sahu Aged About 38 Years R/o
Flat No.402, D 2 B, Golden Tower, Amlidih Raipur, Dist- Raipur (C.G.)

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

Dr. Surya Kumar Sahu S/o Shri Vedram Sahu Aged About 41 Years R/o
Park City Colony Raigarh Dist- Raigarh (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Sudeep Johri, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27/07/2026**

1. Heard Mr. Sudeep Johri, learned counsel for the petitioner.
2. The present petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") seeks transfer of Misc. Criminal Case No.99/2025 from the Family Court Korba, District – Korba (C.G.) to the Family Court Raipur, District – Raipur (C.G.).

- 3.** Brief facts necessary for the case are that the petitioner and the respondent were married on 05.06.2014 according to Hindu rites and have two minor daughters. After about 13 years of marriage, the respondent instituted a petition for divorce under Section 13(1)(ia) of the Hindu Marriage Act before the Family Court, Raigarh, alleging cruelty, which has been denied by the petitioner. The petitioner alleges that the respondent developed an extramarital relationship with a married woman, neglected the petitioner and their daughters, and persuaded her to shift from Raigarh to Korba on the pretext of resolving matrimonial issues. Thereafter, the respondent allegedly stopped maintaining the petitioner and the children, compelling her to initiate maintenance proceedings. It is further stated that due to financial necessity, the petitioner, a dental doctor by profession, accepted employment as a consultant at Raipur, shifted there with her two minor daughters and widowed mother, rented accommodation, and secured admission of the children in a school at Raipur. As the matrimonial proceedings are pending before the Family Court at Raigarh, whereas the petitioner is residing and working at Raipur with her dependent family members, she has filed the present transfer petition seeking transfer of MJC Case No.99/2025 from Korba to Raipur.
- 4.** Learned counsel for the petitioner submits that due to the respondent's neglect and failure to maintain the petitioner and their minor daughters, the petitioner, being a Dental Doctor by profession, was compelled to accept employment as a Consultant with MD India Health Insurance TPA Private Limited, Raipur under Ayushman

Bharat Scheme with effect from 22.04.2026 for a period of two years. He further submits that the petitioner, being a lady, is residing at Raipur with her two minor daughters and widowed mother, all of whom are dependent upon her. As the matrimonial case has been instituted by the respondent at Raigarh, which is approximately 500 kilometres away from Raipur, attending the proceedings causes considerable hardship. Therefore, the petitioner has filed the present transfer petition.

5. I have heard learned counsel for the petitioner and perused the materials available on record.
6. Section 447 BNSS empowers this Court to transfer a case only when a fair and impartial trial cannot be had, a complex question of law arises, or transfer is otherwise expedient in the interest of justice or for the general convenience of all parties and witnesses.
7. The power of transfer is an extraordinary discretionary power and is required to be exercised sparingly and only in appropriate cases where the Court is satisfied that the circumstances justify departure from the ordinary rule that proceedings should continue before the Court having territorial jurisdiction. Mere inconvenience or hardship to one of the parties, by itself, cannot constitute a sufficient ground for transfer unless such inconvenience is shown to be of such magnitude that it would result in denial of justice.
8. In the present case, except stating that the petitioner has shifted to Raipur on account of her employment and that she is required

to take care of her two minor daughters and widowed mother, no exceptional circumstance has been brought on record to demonstrate that she would be deprived of a fair opportunity of prosecuting or defending the proceedings before the Family Court, Korba. There is no material to indicate that she is unable to undertake travel whenever required by the Court or that the proceedings at Korba would prejudice her right to effectively participate in the case. The fact that the petitioner has secured employment at Raipur after institution of the proceedings or that she has chosen to reside there cannot, by itself, confer a right to seek transfer of the proceedings to a place convenient to her. If such a ground alone is accepted, it would virtually permit transfer of proceedings in every case where one of the parties subsequently shifts residence, which is not the object or intent of Section 447 of the BNSS.

9. It is also not the case of the petitioner that the Family Court, Korba lacks jurisdiction, that she apprehends any threat to her safety, or that there exists any circumstance giving rise to a reasonable apprehension that justice would not be impartially administered by the said Court. No material has been placed before this Court to show that continuance of the proceedings before the Family Court, Korba would result in failure of justice. The grounds urged by the petitioner are essentially founded on personal inconvenience arising out of her employment and present place of residence. Such grounds, in the considered opinion of this Court,

do not satisfy the requirements contemplated under Section 447 of the BNSS for exercise of the extraordinary power of transfer.

10. In view of the above, this Court finds no just or sufficient ground to transfer Misc. Criminal Case No.99/2025 from the Family Court, Korba to the Family Court, Raipur.
11. Accordingly, the Transfer Petition stands **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil