



AMITA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 138 of 2026

1 - Meena Dewangan W/o Mahendra Dewangan Aged About 40 Years D/o Chintaram Dewangan, R/o Plot No. 05/15, Kharmora Road, Near Swagat Gate Korba, Tahsil And Distt. Korba, Chhattisgarh.

... **Petitioner**

versus

1 - Mahendra Dewangan S/o Buturam Dewangan Aged About 46 Years R/o C M P D I Colony, Dharamjaigarh, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.

... **Respondent**

(Cause title, as taken from CIS)

For Petitioner	:	Mr. Vikash Pandey, Advocate.
For Respondent	:	None present.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

09/10/2026

1. Petitioner /wife has preferred this transfer petition under Section 24 of the Civil Procedure Code, 1908 (henceforth 'CPC') for transfer of Civil Suit No. A/36/2025 (Mahendra Dewangan vs. Meena Dewangan) pending before Additional District Judge, Gharghoda, District Raigarh to the learned Family Court, Korba (C.G.)

2. Learned counsel appearing for the petitioner/wife submits that marriage of petitioner/wife was solemnized with the respondent/husband on 20.05.2005 at Korba (C.G.) as per Hindu rites and rituals and out of their wedlock, they have been blessed with two children. He submits the petitioner/wife has filed an application seeking maintenance against the respondent /husband and one case under Section 12 of Domestic Violence Act against the respondent / husband before the Court at Korba. He submits that during pendency of the aforesaid domestic violence case, the respondent /husband has filed an application under Section 13 (1) of the Hindu Marriage Act, 1955, seeking a decree of divorce against the petitioner/wife before Family Court, Gharghoda, District Raigarh just to harass her. He further submits that the petitioner/wife resides at Korba alongwith her two children and distance between Korba to Gharghoda is 120 kms, therefore, being a lady, it would be difficult for her to come to Gharghoda, District Raigarh to attend the hearing of the aforesaid case, therefore, he prayed that Civil Suit No. A/36/2025 (Mahendra Dewangan Vs. Meena Dewangan) pending before Additional District Judge, Gharghoda, District Raigarh may be transferred to the learned Family Court, Korba. In support of his submissions, learned counsel has placed reliance upon the judgments of the Hon'ble Supreme Court in *Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi*, reported in (2005) 12 SCC 237, and *NCV Aishwarya v. A.S. Saravana Karthik Sha*, reported in 2022 LiveLaw (SC) 627.

3. Despite service of notice, none present on behalf of the petitioner to argue the matter on his behalf.

4. Heard learned counsel for the parties and perused the records.

5. Admittedly, respondent / husband has filed divorce petition bearing Civil Suit No. A/36/2025 before Additional District Judge, Gharghoda, District Raigarh (C.G.) against the petitioner, but distance between Gharghoda to Korba is 240 kms. up & down, therefore, being a lady, it would be difficult for her to travel from Korba to Gharghoda to attend the hearing of aforesaid civil suit. Further, one Domestic Violence Case and one maintenance filed by the petitioner/wife against the respondent/husband is already pending in the court at Korba, therefore, it would be convenient for both the parties if civil suit No. A/36/2025 filed by the husband seeking divorce is transferred from the court of Additional District Judge, Gharghoda, District Raigarh (C.G.) to Family Court, Korba.

6. In the matter of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik** (2022 SCC Online SC 1199), their Lordships of the Supreme Court has held 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.*"

7. Hon'ble Supreme Court in the matter of **Sumita Singh -v- Kumar Sanjay and another** [(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 -v- Kishore Babulal Pardeshi** [(2005) 12 SCC 237] has observed that the convenience of wife is to be preferred over the convenience of the husband.
8. Considering the facts situation of the case, which has been observed in preceding paragraphs of this order and in light of the principles of law laid down by the Apex Court in aforecited cases; it is a fit case for transfer of the civil suit, as prayed for.
9. Accordingly, this petition is allowed. It is directed that the Civil Suit No. A/36/2025 (Mahendra Dewangan vs. Meena Dewangan) pending before Additional District Judge, Gharghoda, District Raigarh be transferred to the learned Family Court, Korba (C.G.) for its trial/ disposal in accordance with law. Parties are now directed to appear before the Family Court, Raipur on **09.12.2026**. In case respondent-husband fails to appear at Family Court, Korba on that day, learned Judge presiding over the said Court may issue notice to him for a date to be fixed by it. It is also observed that learned Family Court, Korba shall fix the same date on which, the other proceeding is fixed for hearing for convenience of the parties as far as possible. The Additional District Judge, Gharghoda, District Raigarh is directed to transmit the record of the above case to the court of Judge, Family Court, Korba within a period of 15 days.

10. In view of above order, pending interim application, if any, stands disposed of. No order as to costs.

Sd/-

**(Sachin Singh Rajput)
Judge**