



CGHC010311162026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 145 of 2026

Shrimati Monika Lohan Choudhary W/o Tarun Pal Choudhary Aged About 36 Years Presently Residing At Block- A, S J Heights, Khapri, Dhamdha Road, District- Durg C.G. 491001

... Petitioner

versus

Tarun Pal Choudhary S/o- Shri Ramesh Choudhary, Aged About 38 Years R/o- 289, Warehouse Road Police Station Civil Line District- Bilaspur C.G. 495001

... Respondent

HIFZURRAHMAN
ANSARI

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HIFZURRAHMAN
ANSARI
Date: 2026.09.25
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For Petitioner	: Mr. Ashwin Panickar, Advocate
For Respondent	: None

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

24.09.2026

1. This Court vide order dated 11.08.2026, issued notice to the respondent and fixed the matter for 10.09.2026. As per the service report, the notice was duly served upon the respondent himself on 26.08.2026. When the matter was taken up on 10.09.2026, none appeared on behalf of the respondent. The matter was accordingly directed to be listed in the week after next, awaiting representation on behalf of the respondent. Today when the matter is called, no representation is made on behalf of the respondent, despite due service of notice. In these circumstances, this Court proceeds to consider and decide the matter in the absence of the respondent.

2. The present transfer petition has been preferred by the petitioner under Section 24 of the Code of Civil Procedure, 1908 (for short, “the CPC”) seeking transfer of Hindu Marriage Case No. 418/2026 instituted under Section 9 of the Hindu Marriage Act, 1955, pending before the learned Family Court, Bilaspur, District Bilaspur (C.G.).
3. Learned counsel for the petitioner submits that the petitioner is presently residing in District Durg at her parental home and is also taking care of her 10-year-old child. He submits that the petitioner has instituted proceedings under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 registered as MJC (Cri.) No. 893/2026 which is pending before the learned Family Court, Durg. He further submits that the distance between Durg and Bilaspur is approximately 150 kilometres and that it would cause considerable inconvenience and hardship to the petitioner to travel to Bilaspur on each date of hearing. Relying upon the principle of convenience of the parties, he submits that the proceedings pending before the learned Family Court, Bilaspur deserve to be transferred to the learned Family Court, Durg.
4. Having heard learned counsel for the petitioner and upon perusal of the material available on record, this Court finds substance in the submission made on behalf of the petitioner. The question of convenience of the parties, particularly in matrimonial proceedings is a relevant consideration while exercising the jurisdiction under Section 24 of the CPC. Considering the submission made and in view of the decision of the Supreme Court in the matter of *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, this Court is inclined to allow the petition.
5. Accordingly, the present transfer petition is **allowed**. It is directed that Hindu Marriage Case No. 418/2026 (Tarun Pal Choudhary v. Smt. Monika Lohan Choudhary) pending before the learned Family Court, Bilaspur (C.G.) shall stand transferred to the learned Family Court, Durg. The parties are directed to appear

before the learned Family Court, Durg, on **19.11.2026**. In the event the respondent-husband fails to appear before the learned Family Court, Durg on the aforesaid date, the learned Judge presiding over the said Court shall be at liberty to issue appropriate notice to the respondent-husband, fixing a date for his appearance in accordance with law. It is further observed that the learned Family Court, Durg shall fix the present matter on the same date on which the other proceedings between the parties are fixed for hearing, so as to avoid unnecessary inconvenience to the parties.

6. Let the record of Hindu Marriage Case No. 418/2026 be transmitted from the learned Family Court, Bilaspur (C.G.) to the learned Family Court, Durg as early as possible.

Sd/-
(Sachin Singh Rajput)
Judge