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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 139 of 2025

1 - Smt. Gunja Singh W/o Nitesh Kumar Singh Aged About 32 Years R/o House No. 34, Mohd. Nagar, Kondagaon, Post Kondagaon, District : Kondagaon, Chhattisgarh
... Petitioner

versus

1 - Nitesh Kumar Singh S/o Shri Lalan Singh Aged About 35 Years Earlier R/o M.I.G.-1, 19/7, Jawahar Nagar, Near K.H. Memorial Bhilai, District Durg Chhattisgarh At Present Address - Gali No. 96, Tata Line Camp-02, Bhilai, Post Camp-01, Bhilai, P.S. Chhawani, District : Durg, Chhattisgarh
... Respondent

(Cause title, as taken from Case Information System)

For Petitioner	:	Mr. SP Sahu, Advocate.
For Respondent	:	Mr. Praveen Dhurandhar, Advocate.

(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 Civil Suit No.520/2025 (Nitesh Kumar Singh vs. Smt. Gunja Singh), pending before the learned Third Additional Principal Judge, Family Court Durg, District Durg, to the learned Family Court, Kondagaon, District Kondagaon (CG).

2. Learned counsel for the petitioner submits that the marriage of petitioner/wife was solemnized with the respondent/husband on 30.11.2022 as per the Hindu rituals and customs. He further submits that the respondent/husband subjected the petitioner/wife to physical and mental cruelty and compelled her to leave the matrimonial home. Consequently, since 2022, the petitioner/wife has been residing along with her parents at Kondagaon, District Kondagaon. He further submitted that the respondent/husband has filed a divorce petition under Section 13(1)(i-क)(ख) of the Hindu Marriage Act, 1955 (henceforth referred to as the 'Act, 1955'), which is pending as Civil Suit No.520/2025 before the learned Third Additional Principal Judge, Family Court, Durg, District Durg (CG). Learned counsel further submits that the distance between Kondagaon and Durg is about 512 km (to and fro). Although, direct bus connectivity is available, the petitioner's father is an elderly person and unable to accompany her. There is no other family member who can accompany her to attend proceedings before the Family Court at Durg. Therefore, it would be difficult for her to travel such a long distance on each date of hearing. Hence, it is prayed that Civil Suit No.520/2025 filed by respondent/husband be transferred from the learned Third Additional Principal Judge, Family Court, Durg, District Durg (CG) to the Family Court, Kondagaon, District Kondagaon (CG).
3. Per contra, learned counsel for the respondent/husband submits that though the distance between Kondagaon and Durg is about

512 km (to and fro), there is direct bus connectivity between the two places. He further submits that the petitioner, being a young lady, can conveniently travel from Kondagaon to Durg. Hence, he prays that the transfer petition may be rejected.

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. Admittedly, the divorce petition filed by the respondent/husband is pending before the Third Additional, Principal Judge Family Court, Durg. It is also not in dispute that the distance between Kondagaon and Durg is about 512 km (to and fro). As stated by learned counsel for the petitioner, there is no male member in the family of petitioner, except her old aged father, who is in a position to accompany her to Durg. In such circumstances, this Court is of the considered view that if Civil Suit No.520/2025 filed by respondent/husband is not transferred from the Third Additional Principal Judge, Family Court, Durg, to the Family Court, Kondagaon, then it would be inconvenient for the petitioner/wife to attend proceedings before the Family Court at Durg.
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 Civil Suit No.520/2025 {Nitesh Kumar Singh vs. Smt.

Gunja Singh} pending before the Third Additional Principal Judge, Family Court Durg, District Durg (CG), be transferred to the Family Court, Kondagaon, District Kondagaon (CG) for its trial/disposal in accordance with law. The Third Additional Principal Judge, Family Court Durg, District Durg (CG) is directed to transmit the record of the aforesaid Civil Suit No.520/2025 to the Family Court, Kondagaon, District Kondagaon (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, Kondagaon, District Kondagaon (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. It is further observed that if the personal appearance of the respondent/husband is not required, the concerned Family Court may permit him to appear through video conferencing.
12. Pending application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge