



CGHC010434002025

2026:CGHC:43403

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 161 of 2025

Smt. Gudiya Rai W/o Viplav Rai, Aged About 28 Years, R/o Jugani Kampe Talabpara, Churegaon Camp, Jugani, District- Kondagaon (C.G.),

... **Petitioner**

versus

Viplav Rai S/o Late Shri Vinay Kumar Rai, Aged About 38 Years, R/o P.H.D. Colony in Front Of Police Line, Geedam Tahsil and Police Station Geedam, District- South Bastar, Dantewada (C.G.)

... **Respondent**

For Petitioner	: Ms. Itu Rani Mukherjee, Advocate
For Respondent	: Mr. Prakshay Shrivastava, Advocate on behalf of Mr. Harshal Chouhan, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

07/10/2026

1. This petition under Section 24 of Civil Procedure Code, 1908 (for short 'CPC') has been filed by the petitioner/wife seeking for transfer of Civil Suit No.50-A/2025 pending before the Family Court, Dantewada, District – South Bastar (C.G.) to the Family Court, Kondagaon (C.G.).
2. Learned counsel for the petitioner/wife submits that the respondent, who is the husband of the petitioner has filed an application under Section 13 of the Hindu Marriage Act, 1955 for seeking decree of divorce against the petitioner before the Family Court, Dantewada,

District – South Bastar (C.G.). She submits that the petitioner is a lady and at present residing at Kondagaon which is about 180 KM from Dantewada, thus, it causes great inconvenience to the petitioner to attend each and every hearings of the case at Family Court, Dantewada. Apart from this, she submits that earlier proceedings under Section 125 of Cr.P.C. was drawn before the Family Court, Kondagaon in which the respondent/husband has entered his appearance and contested the same case and an order of maintenance was granted in favour of the petitioner and some complaint cases are also pending before the Judicial Magistrate First Class, Kondagaon. She further submits that in matrimonial matter, the convenience of wife is to be considered by the Court. She has placed reliance upon the decisions of the Supreme Court in the matter of **Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi** reported in **(2005) 12 SCC 237** and in **NCV Aishwarya v. A.S. Saravana Karthik Sha** reported in **2022 LiveLaw (SC) 627**. Therefore, it is prayed that the case pending before the Family Court, Dantewada be transferred to Family Court, Kondagaon.

3. Learned counsel appearing for the respondent/husband opposes the submission advanced by learned counsel for the petitioner/wife and submits that the petitioner has been granted maintenance by the Family Court, Kondagaon (C.G.) and at present the respondent is posted at Dantewada and the distance between Kondagaon and Dantewada is not 180 KM rather it is 120 KM only, and if the petitioner attends the hearing at Dantewada, he is ready to bear the expenses. He further submits that this petition has been filed by the petitioner just to delay the divorce proceedings.

4. Heard learned counsel for the parties and perused the records.
5. After perusal of the records, 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 in **NCV Aishwarya v. A.S. Saravana Karthik Sha** reported in **2022 LiveLaw (SC) 627**, this Court is inclined to allow the petition.
6. Accordingly, this petition is allowed. It is directed that the Civil Suit No.50-A/2025 (Viplav Rai Vs. Smt. Gudiya Rai) pending in the Family Court, Dantewada, District – South Bastar (C.G.) is transferred to Family Court, Kondagaon (C.G.). Parties are now directed to appear before the Family Court, Kondagaon on **08.12.2026**. In case respondent-husband fails to appear at Family Court, Kondagaon 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, Kondagaon shall fix the same date on which, the other proceeding is fixed for hearing for convenience of the parties as far as possible.
7. Let the records of the said case be sent to Family Court, Kondagaon from Family Court, Dantewada as early as possible.

Sd/-

(Sachin Singh Rajput)
Judge