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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 169 of 2025

1 - Kirti Chawda W/o Shri Pankaj Chawda, Aged About 53 Years R/o W23/a/44,
Shanti Nagar, Street No. 4, Fafadih Near Jain Mandir, Raipur (C.G.)

... Petitioner

versus

1 - Pankaj Chawda S/o Late Manganlal Chawda, Aged About 59 Years R/o Naka
Chowk, Near Ramdev Mandir, Gunjpara, Thana City Kotwali, Tehsil And District
Durg (C.G.)

... Respondent

(Cause title, as taken from Case Information System)

For Petitioner	:	Mr. Lukesh Kumar Mishra, Advocate.
For Respondent	:	Mr. Tarun Dansena, Advocate.

(Hon’ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board

22/06/2026

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.778/2025 (Pankaj Chawda vs. Kirti Chawda), pending before the learned 3rd Additional Principal Judge, Family Court, Durg, District Durg (CG), to the learned Family Court, Raipur, District Raipur

(CG).

2. Learned counsel for the petitioner/wife would submit that the marriage of petitioner/wife was solemnized with the respondent/husband on 09.12.2001 as per the Hindu rituals and customs. Out of the wedlock, they have blessed with two children (one daughter and & one son). He further submitted that due to physical and mental harassment, the petitioner/wife was compelled to live apart, therefore, she is presently residing at Raipur along with the children. He would further submit that the respondent/husband has filed divorce petition under Section 13(1) (i-क) of the Hindu Marriage Act, 1955 (henceforth referred to as the 'Act, 1955'), which is pending as Civil Suit No.778/2025 before the learned 3rd Additional Principal Judge, Family Court, Durg, District Durg (CG), whereas the petitioner/wife has filed an application under Section 18 read with Section 20(3) of the Hindu Adoptions and Maintenance Act, 1956 (henceforth referred to as "the Act, 1956") seeking maintenance, which is pending as CMC No.144/2025 before the Principal Judge, Family Court, Raipur (CG), in which the respondent/husband has already entered appearance. He also submits that if Civil Suit No.778/2025 is transferred to Family Court Raipur, then it would also be convenient for respondent / husband. Hence, it is prayed that the transfer petition may be allowed and Civil Suit No.778/2025 filed by respondent/husband be transferred from the Family Court, Durg, District Durg (CG) to the Family Court Raipur, District Raipur.
3. *Per Contra*, learned counsel for the respondent/husband would submit that distance between Raipur and Durg is only about 40 km and there

is frequent bus and train connectivity, therefore, the petitioner/wife can conveniently travel from Raipur to Durg. Hence, the transfer petition is liable to 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. Though distance between Raipur and Durg is said to be about 40 km and there is frequent bus and train connectivity also but to and fro the distance is about 80 Km. It is also undisputed that one case under Section 18 read with Section 20(3) of the Act, 1956 bearing CMC No.144/2025 is already pending against respondent/husband before the Family Court Raipur, and the respondent/husband is appearing therein. Therefore, if civil suit filed by respondent/husband is transferred to the Family Court Raipur, then it would also be convenient for him to attend hearing at Family Court Raipur in both cases.
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.778/2025 {Pankaj Chawda vs. Kirti Chawda}, pending before the learned 3rd Additional Principal Judge, Family Court, Durg, District Durg (CG), be transferred to the Family Court, Raipur, District Raipur (CG) for its trial/disposal in accordance with law. The 3rd Additional Principal Judge, Family Court, Durg, District Durg (CG) is directed to transmit the record of the aforesaid Civil Suit No.778/2025 to the Family Court, Raipur, District Raipur (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, Raipur, District Raipur 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. Pending application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Rukhsar