

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURTPC No. 18 of 2019

Sneha Khedia, W/o Shri Vinay Khedia, Aged about 29 Years, D/o Shri Vinod Mittal, Occupation House Wife, R/o Sandeep Agro Product, Bhiyathan Road, Surajpur, Police Station & Tehsil Surajpur, District Surajpur (C.G.) ---- **Petitioner**

Versus

1. Vinay Khedia, S/o Shri Vijay Khedia, Aged about 33 Years, Occupation Business, R/o House No. 575, L-7, Vinoba Nagar Bilaspur, Police Station & Tehsil Bilaspur, District Bilaspur (C.G.) Mo. 9977949466.
2. Kishan Tulsian, S/o Shri Anil Tulsian, Aged about 28 Years, R/o 76, Jawahar Nagar, Bhelupura, Varanasi (U.P.) ---- **Respondents**

For Petitioner : Mr. Surfaraj Khan, Advocate.

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

06/08/2019

1. This is wife's petition filed under Section 24 of the Civil Procedure Code, 1908 for transfer of the petition filed under Section 13(1) (i) & (ia) of the Hindu Marriage Act, 1955 for divorce registered as Civil Suit No. 298-A/2018 (Vinay Khedia Vs. Sneha Khedia & Another) pending before the Court of Principal Judge, Family Court, Bilaspur (C.G.) to the Court of Principal Judge, Family Court at Surajpur (C.G.).
2. As per version of applicant, the marriage between the parties was solemnized on 12th December, 2009 as per Hindu rites and rituals. Out of their wedlock, two children were born namely Divam (son) and Venya (daughter) who are presently living with the applicant at Surajpur in paternal house of the applicant. The applicant has to suffer a lot for attending the Court at Bilaspur and she has to maintain minor children whereas the respondent can travel to Surajpur because he has no burden with him.

3. It appears from the record that a case under Sections 6 and 8 of Hindu Minority and Guardianship Act, 1956 was filed by respondent No. 1/husband in the Court of District Judge, Surajpur for custody of his minor children which shows that respondent No. 1 is already contesting a case against the applicant at Surajpur.
4. Now the point for consideration before this Court is as to whose inconvenience shall be preferred. Looking to the facts and circumstances of the case that the applicant is maintaining her minor children at Surajpur and further looking to the fact that respondent No. 1 is already contesting a case for custody of his minor children at Surajpur, the Court at Surajpur is proper and inconvenience of the wife is to be preferred over the convenience of the husband.
5. In the matter of **Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi**, reported in (2005) 12 SCC 237, it is held that in such case inconvenience of the wife is to be preferred over the convenience of the husband.
6. Accordingly, Civil Suit No.298-A/2018 filed under Hindu Marriage Act, 1955 pending before the Principal Judge, Family Court, Bilaspur is hereby transferred to the Family Court at Surajpur. The Family Court at Bilaspur shall transmit the record to the Court at Surajpur, immediately.
7. Both the parties to appear before the Court at Surajpur for further proceedings on 17th September, 2019.
8. In view of the above the instant petition is allowed.

Sd/-
(Ram Prasanna Sharma)
Judge