

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 20 of 2019**

- Smt. Gendika Singh W/o Krishna Kumar Dhruw Aged About 34 Years
Occupation - Housewife, R/o Village - Pachotiya, Police Station - Jarhagaon, Tahsil And District - Mungeli, Present Address - Rajmahal, Ward No. 9, Kawardha, Police Station And Tahsil - Kawardha, District Kabirdham CG

---- Applicant**Versus**

- Krishna Kumar Dhruw S/o Ratiram Dhruw Aged About 34 Years
Occupation - Lecturer (Panchayat), Posted At Higher Secondary School Koteya, Police Station And Tahsil - Premnagar, District Surajpur CG

---- Respondent

For applicant	: Mr. Dharmesh Shrivastava, Adv.
For Non-applicant	: None.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORAL ORDER****11-11-2019**

1. Heard on admission.
2. The notice has been served on the respondent but no representation is made on his behalf.
3. Admit.
4. Heard finally.
5. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 44-A/2018 pending before the District Judge, Surajpur (CG) (Krishna Kumar Dhruw -v- Gendika Singh) to the Family Court, Kawardha.
6. In brief, the applicant's case is that she is legally wedded wife of non-applicant. She is resident of Kawardha whereas non-applicant is resident of Kottya, Distt. Surajpur. He has filed an application under Section 9 of Hindu Marriage Act, 1955 which was registered as Civil Suit No. 44-A/2018. Distance from Kawardha to Surajpur is about 350 km. There is no direct means of public conveyance to reach Surajpur. She has also filed an application under Section 125 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.') before the Family Court, Kawardha. She feels difficulty to go

to Surajpur in every date to attend the proceedings.

7. Hon'ble Supreme Court in the matter of **Sumita Singh -v- Kumar Sanjay and another** [(2001) 10 SCC 41] has observed that if husband files suit against wife, then convenience of wife must be looked into.

8. Hon'ble Supreme Court in the matter of **Rajani Kishor Pardesh -v- Kishore Babulal Pardesh** [(2005) 12 SCC 237] has held that the convenience of wife is to be preferred over the convenience of the husband.

9. In the case in hand the applicant is the resident of Kawardha which is 350 km. Away from Surajpur. Her case is under Section 125 Cr.P.C. is pending before the Family Court, Kawardha. There is no direct public means of conveyance to reach Surajpur from Kawardha. Being a lady she would feel difficulty to go to Surajpur on each and every date.

10. Looking to the above mentioned facts and circumstances and looking to the aforesaid judicial precedents laid down by Hon'ble Supreme Court in the matter of **Sumia Singh** (supra) and **Rajani Kishor Pardeshi** (supra), the instant transfer petition is allowed. It is ordered that the Civil Suit No. 44-A/2018 pending before the District Judge, Surajpur be transferred to Judge Family Court, Kawardha Distt. Kabirdham (CG) for its trial/ disposal in accordance with law. The District Judge, Surajpur is directed to transmit the record of the above case to the Family Court, Kawardha, Distt. Kabirdham.

11. In view of above order, I.A. No. 1/2019 stands disposed of.

12. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge