

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 43 of 2019**

Smt. Shalini Mahant, W/o Rajendra Kumar, Aged about 28 Years,
D/o Shri Gaya Das, R/o Village Jaijpur P.S. & Tahsil Jaijpur,
District Janjgir-Champa (C.G.), At Present R/o Village Jhalmala,
P.S. Mulmula, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

---- **Petitioner****Versus**

Rajendra Kumar, S/o Shri Dhanidas, Aged about 31 Years, R/o
Village Jaijpur, P.S. & Tahsil Jaijpur, District Janjgir-Champa
(C.G.)

---- **Respondent**

For Petitioner : Mr. F.S. Khare, Advocate.

For Respondent : Mr. Vivek Kumar Tripathi, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

19/08/2019

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) of the Hindu Marriage Act, 1955 for divorce registered as Civil Suit No. 58-A/2018 (Smt. Shalini Mahant Vs. Rajendra Kumar) pending before the Family Court, Janjgir, link Court- Sakti, District- Janjgir-Champa (C.G.) to the Family Court, Janjgir, District- Janjgir-Champa (C.G.).
2. It appears that both the parties are residents of District- Janjgir-Champa. The Family Court of District- Janjgir-Champa is having headquarter at Janjgir, but conducting link Court at Sakti. The same presiding Judge is conducting all the cases related to matrimonial dispute at Janjgir and Sakti. As both the parties are having their residence at Janjgir, it would be proper to transfer the case at Family Court, Janjgir.

3. 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.
4. Accordingly, Civil Suit No. 58-A/2018 filed under Hindu Marriage Act, 1955 pending before the Family Court, Janjgir, link Court-Sakti, District- Janjgir-Champa (C.G.) is hereby transferred to the Family Court, Janjgir, District- Janjgir-Champa (C.G.).
5. Both the parties to appear before the Family Court at Janjgir for further proceedings on 30th September, 2019.
6. In view of the above, the instant transfer petition is allowed.

Sd/-
(Ram Prasanna Sharma)
Judge