

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 44 of 2019****RESERVED ON 6-11-2019****DELIVERED ON 7-11-2019**

Smt. Preeti Chandra W/o Shri Pradeep Kumar Chandra Aged About 30 Years
 Presently R/o At Pratapganj, Dewangan Para, Police Station And Tehsil
 Sarangarh District Raigarh Chhattisgarh

---- Applicant**Versus**

Pradeep Kumar Chandra S/o Shri D.L. Chandra Aged About 40 Years
 Presently R/at H- 2/112, Narmada Nagar, Ward No. 03, Near Water Tank,
 Police Station Civil Line, District Bilaspur Chhattisgarh

---- Non-applicant

For applicant	: Mr. Sunil Kumar Soni, Adv.
For Non-applicant	: Mr. Malay Kumar Shrivastava, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**CAV ORDER**

1. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 698-A/2018 (Pradeep Kumar Chandra -v- Smt. Priti Chandra) pending before the Family Court, Bilaspur (CG) to the Family Court, Raigarh.
2. In brief the applicant's case is that she is legally wedded wife of non-applicant. She resides along with her parents at Sarangarh. She is working as Krishi Vistarak Adhikari at Sarseevan which is 14 km away from her paternal house. Non-applicant filed an application under Section 9 of the Hindu Marriage Act before the Family Court, Bilaspur. It was registered as Civil Suit No. 698-A/2018. From Sarangarh, Raigarh is 46 km away. Distance between Sarangarh and Bilaspur is about 120 km. She is facing great hardship in attending the proceedings pending before Family Court, Bilaspur.
3. In brief the case of the non-applicant is that their child who is living with him is suffering from 90% disability. He has quit his job to look after said child. During the proceedings of the Family Court, Bilaspur applicant had assaulted and abused him inside the court room. It would be difficult for him to contest the matter before the Family Court, Raigarh. She was posted at Baloda Bazar which is 155.60 km away

from Raigarh whereas the distance between Baloda Bajar and Bilaspur is 56.90 km.

4. Counsel for the applicant placed reliance on the decision of Hon'ble Supreme Court in the matter of **Sumita Singh -v- Kumar Sanjay and another** [(2001) 10 SCC 41] where in it has been observed that if husband files suit against wife, then convenience of wife must be looked into.
5. As per Annexure R-1 the child of applicant and non-applicant namely Adi Chandra is suffering from 90% disability of locomotion, he is aged about 7 years thus, he needs a full day sincere and sensitive care taker who cannot be other than the father/non-applicant. Thus, it would be difficult for non-applicant to leave said child handing over to any other person for a whole day to attend the court proceeding at Raigarh. More over, non-applicant is performing the role of mother also in absence of the applicant. More over, as per Annexure R-3 the conduct of applicant was not proper and was objectionable during the proceedings in the Court of Principal Judge, Family Court, Bilaspur. More over, there are frequent trains available from Raigarh to Bilaspur which take about 3 hours. More over, distance between Sarangarh to Bilaspur is about 120 km and frequent means of conveyance are also available from Sarangarh. In these circumstances, this Court finds that applicant does not get any help from the aforesaid judicial precedent laid down by Hon'ble Supreme Court in the matter of **Sumita Singh** (supra). Consequently, this Court is of the opinion that said TPC deserves to be and is hereby dismissed.
6. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge