

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 57 of 2019**

Manisha Debnath, D/o- Bankim Debnath, Aged about- 25 years, R/o- Wrden No.06, House No. 990, Om Dham Colony, Post Officer, Mana Camp Raipur, Tehsil and District- Raipur (C.G.)

---- Petitioner**Versus**

Rohit Sen, S/o- R.S. Sen, Aged about- 29 years, R/o- E/ 121/a, Surya Vihar Colony, Junwani Road, Bhilai Tehsil and District- Durg (C.G.)

---- Respondent

For Petitioner	: Ms. K.Tripti Rao, Advocate
For respondent	: Mr. Pushkar Sinha, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****30.09.2019**

1. This is wife's petition filed under Section 24 of Civil Procedure Code, 1908 for transfer of proceedings of Civil Suit No. 190/2019 pending before the Family Court at Durg (C.G.) to Family Court at Raipur (C.G.). The application filed under Section 9 of Hindu Marriage Act, 1955 before the Family Court at Durg (C.G.) by the respondent husband for restitution of Conjugal Rights.
2. As per the petitioner, she is resident of Om Dham Colony, Post Office Mana Camp, Raipur (C.G.), having no source of income, living with her old age parents and it is difficult for her to attend the Family Court at Durg (C.G.) therefore, the

case should be transferred to the Family Court at Raipur (C.G.).

3. Learned counsel for the respondent submits that there is no inconvenience to the petitioner to attend the Court proceedings at Durg, therefore, the petition is liable to be dismissed.
4. The point for consideration before this Court is that whose convenience shall be preferred. In the matter of **Rajani Kishore Pardeshi Vs. Kishore 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.
5. Accordingly, Civil Suit No. 190/2019 pending before the Family Court at Durg is transferred to the Court of Principal Judge, Family Court, Raipur (C.G.). The Court at Durg shall transmit the record to Principal Judge, Family Court at Raipur (C.G.)
6. Both Parties shall appear before the Principal Judge, Family Court at Raipur (C.G.) on 6th November, 2019 .

Sd/-

(Ram Prasanna Sharma)

JUDGE