

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 58 of 2019**

- Smt. Prity Sao W/o Rupesh Kumar Sao, Aged About 31 Years D/o Prabhakar Sao, Caste - Teli, R/o -Kawardha, Zila Panchayat Kawardha, Zila Samanvayak (Pradhan Mantri Awas Yojna) Police Station, Tahsil And District - Kawardha Chhattisgarh

---- Applicant**Versus**

- Rupesh Kumar Sao S/o Shri Jiwanlal Sao, Aged About 31 Years Caste - Teli, R/o Janjgir, Krishna Nagar, 82 / 2A, B.T.I. Colony, Police Station And Tahsil - Janjgir, District Janjgir - Champa Chhattisgarh

---- Non-applicant

For applicant	: Mr. Akhtar Hussain, Adv.
For Non-applicant	: None though served.

Hon'ble Shri Sharad Kumar Gupta, Judge**CAV ORDER****15-10-2019**

1. Heard on admission.
2. The petition is admitted for hearing.
3. With consent of the applicant, the matter is heard finally.
4. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 41-A/2019 (Rupesh Kumar Sao -v- Smt. Priti Sao) pending in the Court of Principal Judge, Family Court, Janjgir, Distt. Janjgir Champa (CG) to the Family Court, Kawardha.
5. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. In their wedlock, a child namely Shrijan Sao born who is living with her. She is working at Zila Panchayat, Kawardha. The non-applicant has filed a Civil Suit under Section 9 of the Hindu Marriage Act which is pending before the Principal Judge, Family Court, Janjgir, Distt. Janjgir Champa. It is not possible for her to take leave from her office on each and every date for attending the Court proceedings at Janjgir. The distance between Kabirdham and Janjgir is 190 km. There is no one available to accompany her on every date to Janjgir.

6. Counsel for the applicant placed reliance on a decision of Hon'ble Supreme Court in the matter of **Sumita Singh -v- Kumar Sanjay and another** [(2001) 10 SCC 41] in which it has been observed that if husband files suit against wife, then convenience of wife must be looked into.
7. In the case in hand, the applicant resides at Kabirdham. The aforesaid civil suit is pending before the Principal Judge, Family Court, Janjgir. The applicant is in service. She has a small child. The distance between the two places is 190 km. It would be hardship for the applicant to go to Janjgir to attend the Court proceeding on each and every date.
8. Looking to the above circumstances and aforesaid observation made by Hon'ble Supreme Court in the matter of **Sumita Singh**, (supra), the instant transfer petition is allowed. It is ordered that the Civil Suit No. 41-A/2019 filed by the non-applicant under Section 9 of the Hindu Marriage Act pending before the Principal Judge, Family Court, Janjgir, Distt. Jangir Champa is transferred to Family Court, Kabirdham for its trial/disposal in accordance with law. The Judge, Family Court, Janjgir is directed to transmit the record of the above suit to the Court of Judge, Family Court, Kabirdham for further proceedings.
9. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge