

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 56 of 2019**

- Smt. Anamika Sahu W/o Shri Tarun Kumar Sahu, Aged About 32 Years D/o Shri Shyamlal Sahu, R/o Gujrati Mohalla Railway Station, Behind Hospital Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant**Versus**

- Tarun Kumar Sahu S/o Shri Ramdayal Sahu Aged About 33 Years R/o Ganjpara Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For applicant	: Shri Rajendra Tripathi, Adv.
For Non-applicant	: Shri Shikhar Sharma, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****07.11.2019**

1. Heard on admission.
2. The petition is admitted for hearing.
3. With the consent of both the parties, 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. 51/2019 (Tarun Kumar Sahu -v- Smt. Anamika Sahu) pending before the Court of the First Additional Principal Judge Circuit/Family Court, Balod (CG) to the nearby place.
5. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. She resides at Raigarh whereas non-applicant resides at Balod. She has moved application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and under Section 125 of the Cr.P.C. which are pending before the Family Court, Raigarh. Non-applicant has also filed application under Section 12 of the Hindu Marriage Act which is registered as Case No. 51/2019 pending before the First Additional Principal Judge Circuit/Family Court, Balod. She is facing difficulty to attend the proceedings pending before the First Additional Principal Judge Circuit/Family Court, Balod.
6. In brief the non-applicant's case is that two minor children who are aged about 9 years are in his custody. He has to take care of them. His father is suffering from heart disease.

7. Counsel for the applicant placed reliance on a decision of Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi -v- Kishor Babulal Pardeshi** [(2005) 12 SCC 237] in which it has been held that the convenience of wife is to be preferred over the convenience of the husband.
8. 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.
9. In the case in hand, two criminal cases are pending before the Family Court, Raigarh which are filed by the applicant. There is no direct train for Balod, journey from Raigarh to Balod takes near about 6 hours. In these circumstances, applicant would be facing hardship to attend the Court proceedings at Balod.
10. There is no material on record which indicates that no other family members except father of the non-applicant reside with him who can take care of said children. There is no material on record which indicates that the condition of the father of the non-applicant is critical.
11. Looking to the above mentioned facts and circumstances of the case and aforesaid observations made by Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi** (supra) and **Sumita Singh** (supra) this Court is of the considered opinion that the instant transfer petition deserves to be and is hereby allowed. It is ordered that the Civil Suit No. 51/2019 pending before the First Additional Principal Judge Circuit/Family Court, Balod be transferred to Family Court, Raigarh for its trial/disposal in accordance with law. The First Additional Principal Judge Circuit/Family Court, Balod is directed to transmit the records of the above suit to the Court of Judge, Family Court, Raigarh for further proceedings.
12. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge