

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 76 of 2019**

Smt. Pushpa Masih, wife of Kamlesh Masih, aged about 24 years, resident of Village Vishrampur, Police Station Simga, District Balodabazar Bhatapara at present resident of Batam, Bakhrupara, Adwa Road, Narayanpur, District Narayanpur (CG).

---- Applicant**Versus**

Kamlesh Masih, son of Pramod Masih, aged about 27 years, Resident of village Vishrampur, Police Station Simga, District Balodabazar Bhatapara (CG).

---- Non-applicant

For Applicant : Mr. H.S. Patel, Advocate
For Non-applicant : Mr. Parag Kotecha, Advocate

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****09.12.2019**

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. The applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No.152-A/2019 (Kamlesh Masih -v- Smt. Pushpa Masih) pending before the Principal Judge, Family Court, Balodabazar to the Family Court, Jagdalpur (CG) to the nearby place.
5. In brief, the applicant's case is that she is legally wedded wife of the non-applicant. Non-applicant has preferred an application under Section 10 of the Indian Divorce Act before the Family Court, Balodabazar, which was registered as Civil Suit No.152-A/2019. The applicant is living in her parental house. Her parental house is at Narayanpur, whereas the non-applicant is a resident of village Simga, District Balodabazar Bhatapara. Being a woman, she is not able to travel from Narayanpur to Balodabazar.
6. The non-applicant has not filed any reply.
7. Counsel for the non-applicant submitted that there are six other family members in the family of applicant. He is ready to give travel expenses and other expenses to her for travelling from Narayanpur to

Balodabazar.

8. In support of the case, 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** reported in **(2001) 10 SCC 41**, wherein it has observed that if husband files suit against the wife, then convenience of wife must be looked into.
9. In the decision of Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi -v- Kishor Babulal Pardeshi** reported in **[(2005) 12 SCC 237]** in which it has been observed that the convenience of wife is to be preferred over the convenience of the husband.
10. In the case in hand, there is no direct train from Narayanpur to Balodabazar. Moreover, there is no direct transportation facility available between Narayanpur to Balodabazar. The distance from Narayanpur to Balodabazar is about 230 kms. The applicant, being a woman, would feel difficulty to travel from Narayanpur to Balodabazar.
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 **Sumita Singh** (supra) and **Rajani Kishor Pardeshi** (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.152-A/2019 pending before the Family Court, Balodabazar be transferred to the Family Court, Jagdalpur for its trial/disposal in accordance with law. The Family Court, Balodabazar is directed to transmit the records of the above suit to the Family Court, Jagdalpur.
12. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge