

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 77 of 2018****RESERVED ON 11-11-2019****DELIVERED ON 13-11-2019**

Smt. Purnima Dewangan W/o Rajendra Kumar Dewangan Aged About 25 Years D/o Shankar Dewangan, R/o Panchjanya School, Kushlpur, Lakhe Nagar, Raipur, Tahsil/ P.S./ District- Raipur, CG ---- **Applicant**

Versus

Rajendra Kumar Dewangan S/o Bachan Lal Dewangan Aged About 30 Years Occupation- Assistant Development District- Officer, At Present, R/o New Shishak Aawas Colony, Mohalla, Tahsil And Police Station, Mohall, Distict- Rajnandgaon, Permanent Address- Sai Nagar, Baghera, P.S. and Tahsil- Durg, District- Durg, CG ---- **Respondent**

For applicant	: Mr. Ravi Mahobia, Adv.
For Non-applicant	: None.

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. 98-A/2018 pending before the Judge, Family Court, Rajnandgaon (CG) (Rajendra Kumar Dewangan -v- Smt. Purnima Dewangan) to the Family Court, Raipur.
2. In brief, the applicant's case is that she is legally wedded wife of non-applicant. She is resident of Raipur whereas non-applicant is resident of Rajnandgaon. He has filed an application under Section 13 of Hindu Marriage Act, 1995 before Family Court, Rajnandgaon which was registered as Civil Suit No. 98-A/2018. Distance from Raipur to Rajnandgaon is about 60 km. On 17-10-2018 when she came to Rajnandgaon for attending Court proceeding, he threatened her, used filthy language and asked her to support his case otherwise she will face dire consequences. She had made an application to the District Legal Aid Committee, Rajnandgaon. She had also made a complaint to SP, Rajnandgaon. There is no one in her family to assist her to go to Rajnandgaon on each and every date. Being a lady she feels difficulty to come to Rajnandgaon to attend the court proceedings. She has also filed an application under Section 125 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.') against him before the Principal Judge, Family Court, Raipur.

3. Earlier non-applicant was represented by an advocate but later, no representation has been made on his behalf. He has not filed reply.
4. 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.
5. Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi -v- Kishore Babulal Pardeshi** [(2005) 12 SCC 237] has held that the convenience of wife is to be preferred over the convenience of the husband.
6. In the case is hand, the applicant is the resident of Raipur which is 70 km. away from Rajnandgaon. Her case under Section 125 Cr.P.C. is pending before the Family Court, Raipur. Being a lady she would feel difficulty to go to Rajnandgaon on each and every date.
7. More over, as per Annexure P-2 applicant had given an application to Family Court, Rajnandgaon to the effect that non-applicant abused and threatened her to give statement in the Court in his favour otherwise she will face dire consequences, as per Annexure P-3 she had also given an application to SP Rajnandgaon to the same effect, as per Annexure P-4, Secretary, Legal Service Authority, Rajnandgaon wrote a letter to SP Rajnandgaon to provide security to her.
8. Looking to the above mentioned facts and circumstances of the case and looking to the aforesaid judicial precedents laid down by Hon'ble Supreme Court in the matters of **Sumita Singh** (supra) and **Rajani Kishor Pardeshi** (supra), this Court finds that there are strong reasons exist in favour of the applicant for transferring said civil suit.
9. Therefore, the instant transfer petition is allowed. It is ordered that the Civil Suit No. 98-A/2018 pending before the Judge, Family Court, Rajnandgaon be transferred to Principal Judge, Family Court, Raipur (CG) for its trial/ disposal in accordance with law. The Family Court, Rajnandgaon is directed to transmit the record of the above case to the Principal Judge, Family Court, Raipur.
10. In view of above order, I.A. No. 1/2018 stands disposed of.
11. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge