

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 82 of 2018**

Smt. Jyoti Passi, W/o- Shri Pappu Passi, Aged about- 30 years, R/o- M. I. G. 120, Sector-3, D. D. Nagar, Raipur, (C.G.)
---- Petitioner

Versus

Pappu Passi, S/o- Shri Sugan Lal, Aged about- 35 years, R/o- Qtr. No. 930, Forest Side, Banki Mogra, Katghora, District- Korba (C.G.)
--- Respondent

For Petitioner	:	Mr. H.S. Patel, Advocate
For respondent	:	None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****25.09.2019**

1. Respondent is served through daily newspaper namely Dainik Bhaskar Dated 10th June, 2019 but no one appeared on behalf of respondent.
2. This is wife's petition filed under Section 24 of Civil Procedure Code, 1908 for transfer of proceedings of Civil Suit No. 86-A/2018 pending before the Family Court, Camp Court, Katghora District – Korba (C.G.) to Family Court Raipur. The application filed under Section 9 of Hindu Marriage Act, 1955 before the Family Court, Camp Court- Katghora Korba (C.G.) by the respondent husband for restitution of Conjugal Rights.
3. As per the petitioner, she is resident of D.D. Nagar, Raipur (C.G.) and it is difficult for her to attend the Family Court,

Camp Court- Katghora, therefore, the case should be transfer to the Court at Raipur.

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. 86-A/2018 pending before the Family Court at Katghora is transferred to the Court of Principal Judge Family Court Raipur (C.G.). The Court at Katghora shall transmit the record to Principal Judge, Family Court Raipur (C.G.)
6. Both Parties shall appear before Principal Judge, Family Court Raipur (C.G.) on 23rd October, 2019.

Sd/-

(Ram Prasanna Sharma)

JUDGE