

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 29-9-2020****Delivered on 30-9-2020****TPC No. 10 of 2020**

Sanpreet Kaur Tuteja (Riya) W/o Rumeet Singh Tuteja Aged About 26 Years D/o Rajendra Singh Chhabra, R/o Ward No. 2, Near Ramkrishna Store, Old Hindi City High School, Behind Hanuman Mandir, Bhapet, District - Chandrapur (Maharashtra)

---- Applicant**Versus**

Rumeet Singh Tuteja S/o Harjeet Singh Tuteja, Aged About 29 Years at present R/o Radhika Nivas, Jutemill Road, Raigarh, Tahsil And District - Raigarh Chhattisgarh

---- Non-applicant

For applicant	: Shri Abhishek Saraf, Adv.
For Non-applicant	: None though served.

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. F-178A/2019 pending before the Family Court, Raigarh (CG) (Rumeet Singh Tuteja -v- Sanpreet Singh Tuteja) to the Family Court, Durg.
2. In brief, the applicant's case is that she is legally wedded wife of non-applicant. Now she is residing at Chandrapur (MH) along with her parents, whereas he is resident of Raigarh (CG). On his application, the case under Section 13 of the Hindu Marriage Act is pending before the Judge, Family Court, Raigarh. On her application one criminal case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is pending against him before the CJM, Chandrapur. One year old daughter is also living with her. Distance from Chandrapur to Raigarh is about 700 km. There is no direct bus / train service from Chandrapur to Raigarh and vice versa. Her parents are old and suffering from several health issues. Her parents are unable to accompany her to Raigarh. It is very difficult for her to travel 700 km to attend the court proceedings at Raigarh along with 1 year

old daughter. Her grand aunt lives at Durg.

3. Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi -v- Kishor Babulal Pardeshi** [(2005) 12 SCC 23] has observed that the convenience of wife is to be preferred over the convenience of the husband.
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. From Chandrapur to Raigarh the distance is 576 km. There are no direct trains and buses between Chandrapur and Raigarh.
6. Being a lady it would be highly inconvenient for the applicant to travel along with infant baby from Chandrapur to Raigarh and vice versa.
7. Looking to the above mentioned facts and circumstances of the case this Court finds that balance of convenience is in favour of the applicant. Hence, the aforesaid judicial precedents laid down by Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi** (supra) and **Sumita Singh** (supra) are applicable in favour of the applicant.
8. Consequently, the instant transfer petition is allowed. It is ordered that the Civil Suit No. F-178A/2019 pending before the Judge, Family Court, Raigarh (CG) is transferred to Principal Judge, Family Court, Durg for its trial/ disposal in accordance with law. The Judge, Family Court, Raigarh is directed to transmit the record of the above case to the Principal Judge, Family Court, Durg.
9. In view of above order, I.A. No. 1/2020 stands disposed of.
10. No order as to costs.

Sd/-

(Sharad Kumar Gupta)
Judge