

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 83 of 2019**

- Smt. Radhika Sahu W/o Hemant Kumar Sahu Aged About 32 Years
R/o Beside By Pass Road, Raigarh, Tahsil And District Raigarh,
Chhattisgarh

---- Applicant**Versus**

- Hemant Sahu S/o Amritlal Sahu Aged About 36 Years Profession -
Service, Community Health Centre Dabhra, Tahsil Dabhra, District
Janjgir-Champa, Chhattisgarh

---- Non Applicant

For the Applicant
For Non Applicant

: Mr. Jai Prakash Shukla, Adv.
: Mr. Ranbir Singh Marhas, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORDER ON BOARD****13.02.2020**

1. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No.55-A/2018 pending before the Family Court, Link Court at Shakti (Hemant Sahu -v- Radhika Sahu) to the Family Court, Raigarh.
2. In brief, the applicant's case is that she is legally wedded wife of non-applicant. She is resident of Raigarh whereas he is resident of Dabhra, District- Janjgir-Champa. She has filed an application under Section 125 Criminal Procedure Code which is pending before Family Court, Raigarh. She also filed an application under the Protection of Women from Domestic Violence Act which is pending before JMFC, Raigarh. Thereafter, he filed an application under Section 13 of the Hindu Marriage Act, which is pending before the Family Court, Link Court Shakti.
3. Counsel for the applicant submitted that two criminal cases are pending at Raigarh. Hence the said Civil Suit may also be transferred to Raigarh. He further submitted that applicant is feeling difficulty to attend the proceedings of said Civil Suit at Raigarh. She is pursuing her study at

Maharashtra, she is a Doctor. The question of security and safety is involved in the case in hand.

4. Counsel for the Non-applicant submitted that as per the applicant's case she is pursuing her study at Maharashtra, hence there is no difficulty for her to come to Raigarh. He further submitted that distance between Shakti to Raigarh is only 60 Kms.

5. Counsel for the applicant placed reliance on the order of Hon'ble Supreme Court in the matter of **Sumita Singh -V- Kumar Sanjay and Another** [(2001) 10 SCC 41] wherein it has observed that wife's convenience be looked at.

6. Counsel for the Non-applicant placed reliance on the judgment of Hon'ble Supreme Court in the matter of **Indian Overseas Bank, Madras -V- Chemical Construction Company and Others** [(1979) 4 SCC 358] wherein it has been observed that Court should not lightly invoke its jurisdiction under Section 24 of CPC. Greater inconvenience or expenditure to one of the parties may be a factor to be considered but cannot be the sole ground for transferring a suit.

7. In the case in hand, as per the applicant's case she is pursuing her study at Maharashtra. She is a lady doctor.

8. The distance between Shakti to Raigarh by train is about 49 Kms. Frequently trains are available from Shakti to Raigarh and vice versa.

9. There is no such material available on record on strength of which it can be said that if applicant goes to Raigarh, her safety and security would be adversely affected. Looking to the above mentioned facts and circumstances of the case this Court finds that balance of convenience is not in favour of applicant.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that applicant does not get any help from the aforesaid order of Hon'ble Supreme Court in the matter of **Sumita Singh** (Supra), and aforesaid judgment of Hon'ble Supreme Court in the matter of **Indian Overseas Bank, Madras** (Supra) is applicable against the applicant.

11. Consequently, the instant TPC deserves to be and is hereby dismissed.

12. Looking to the above order I.A.No.1 stands disposed of accordingly.

13. No order as to costs.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul