

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Transfer Petition (C) No. 89 of 2019**

- Smt. Sangeeta Lanjhi D/o Siyaram Lanjhi, Aged About 27 Years W/o Devkumar Ahirwar, R/o Village - Chaura, Police Station - Rajanawagaon District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant**Versus**

- Devkumar Ahirwar S/o Late Shri Jagan Ahirwar Aged About 30 Years R/o Lingyadih, Police Station - Sarkanda, Tehsil And District - Bilaspur Chhattisgarh., District : Dantewada, Chhattisgarh

---- Non-applicant

For applicant	: Shri Dharmesh Shrivastava, Adv.
For Non-applicant	: Shri Govind Dewangan on behalf of Shri Rishi Rahul Soni, Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**ORAL ORDER****17.01.2020**

1. Heard the matter finally.
2. Applicant has preferred this TPC under Section 24 of the Civil Procedure Code (in short 'CPC') for transfer of Civil Suit No. 167-A/2019 pending before the Family Court, Bilaspur (CG) (Dev Kumar Ahirwar -v- Smt. Sangeeta Lanjhi) to the Family Court, Kabirdham, Distt. Kawardha.
3. In brief, the applicant's case is that she is legally wedded wife of non-applicant. Presently she is residing in her matrimonial house at village Chaura, Distt. Kabirdham whereas he is resident of Bilaspur. He has filed an application under Section 9 of the Hindu Marriage Act which is pending before the Family Court, Bilaspur. She has filed an application under Section 125 of Cr.P.C. before Family Court, Kabirdham which is still pending. A 4 years' daughter is residing with her. The distance from village Chaura to Bilaspur is about 130 km. Kabirdham is connected to Bilaspur only by road. It would be hardship for her to go to Bilaspur along with her 4 years' daughter.
4. In brief, non-applicant's case is that he is ready to bear travelling

expenses. Kabirdham is well connected by bus with Bilaspur.

5. 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.

6. Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi -v- Kishore Babulal Pardeshi** [(2005) 12 SCC 237] has observed that the convenience of wife is to be preferred over the convenience of the husband.

7. From village Chaura to Bilaspur distance is about 130 km. There is no train service between Kabirdham to Bilaspur.

8. Being a lady it would be inconvenient for applicant to travel along with 4 years old daughter to attend the proceedings at Family Court, Bilaspur.

9. Looking to the above mentioned facts and circumstances of the case, looking to the aforesaid observations made by Hon'ble Supreme Court, this Court finds that in the case in hand, the convenience of the applicant has to be given preference over the convenience of the non-applicant.

10. Consequently, the instant transfer petition is allowed. It is ordered that the case No. 167-A/2019 pending before the Family Court, Bilaspur be transferred to Family Court, Kabirdham Distt. Kawardha (CG) for its trial/ disposal in accordance with law. The Family Court, Bilaspur is directed to transmit the record of the above case to the Family Court, Kabirdham Distt. Kawardha.

11. In view of above order, I.A. No. 1/2019 stands disposed of.

12. No order as to costs.

Sd/-
(Sharad Kumar Gupta)
Judge