

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 15 of 2019**

- Smt. M. Renuka W/o G. Nageshwar Rao Aged About 32 Years, R/o Block No. 5/F, Street No. S.P.A. Jon-3, Sector 11, P.S. Kursipara, Bhilai, Tahsil And District- Durg, Chhattisgarh.

---- Petitioner**Versus**

- G. Nageshwar Rao S/o G. Raja Rao Aged About 33 Years, R/o Opposite To Shubham Construction Masala Factory, Near Sharda Mandir Sirgitti, P.S. Sirgitti Tahsil And District- Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Smt. Kiran Jain, Advocate.
For Respondent	:	Shri Sanjeev Kumar Sahu, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/02/2021**

1. This is a petition under Section 24 of the Code of Civil Procedure, 1908 (in short 'CPC') seeking transfer of Civil Suit No. 727-A/2018 (G. Nageshwar Rao Vs. Smt. M. Renuka), pending before learned Family Court, Bilaspur, District-Bilaspur (C.G.) to learned Family Court, Durg, District Durg (C.G.).
2. Brief facts of the case are that the marriage of Smt. M. Renuka applicant herein was solemnized with respondent G. Nageshwar Rao on 14.03.2014 at Bilaspur according to Hindu custom. After some time of marriage, the respondent-husband and her in-laws started harassing the applicant-wife physically and mentally and demanded dowry. Thereafter, applicant lodged a complaint against the respondent-husband and her in-laws. After registration of the Crime applicant-wife was residing with his parents at Durg, District Durg. The applicant-wife filed an application under Section 125 of Cr.P.C. for grant of maintenance against the respondent-husband before the Family Court, Durg. After that in the Lok Adalat they have entered into the compromise and went with her husband to live with him at Bilaspur, but no change in the behaviour of the respondent-

husband and her in-laws, within one month they thrown out the applicant-wife from his house. Then applicant again came in her parents' house and residing. At that time respondent- husband filed an application under Section 13(1-A)(1-B) of the Hindu Marriage Act, 1955 for dissolution of the marriage before the Family Court, Bilaspur, District-Bilaspur (C.G.) which is pending before the learned Family Court, Bilaspur, District Bilaspur. Now, petitioner has filed the instant transfer petition before this Court stating *inter alia* that presently she is residing at Durg, she has no source of income and facing great difficulties in attending proceedings before the learned Family Court, Bilaspur District Bilaspur (C.G.) which is near about 150 Kms away from the Durg. Therefore, the Civil Suit No. 727-A/2018 pending before the learned Family Court, Bilaspur District-Bilaspur (C.G.) be transferred to the Family Court Durg, District Durg (C.G.) for hearing and disposal in accordance with law.

3. Smt. Kiran Jain, learned counsel for the applicant submits that the applicant/wife is residing at Durg, District-Durg (C.G.), applicant-wife has no source of income and facing great difficulties in attending the proceeding at Family Court, Bilaspur as the distance between Durg to the learned Family Court, Bilaspur, where matrimonial suit has been instituted by respondent/husband is near about 150 Kms. She further submits that it is settled position of law that the convenience of wife is relevant factor over the convenience of the husband. Therefore, application under Section 13(1-A)(1-B) of Hindu Marriage Act, 1955, pending in the file of Family Court, Bilaspur, District-Bilaspur be transferred to the file of Family Court, Durg, District Durg (C.G.).
4. On the other hand, learned counsel for the respondent/husband opposed the petition and submitted that the respondent-husband is an employee of Central Government, posted in the Indian Railway and the respondent has to go out of Bilaspur frequently for his duty, therefore, it will be inconvenient to attend the proceedings at Durg by the respondent-husband.
5. I have heard learned counsel for the parties and considered the rival submission and have perused the memo of petition and other papers.

6. Admittedly, the distance between Durg, District Durg, where the applicant/wife is residing, to the Family Court, Bilaspur, District-Bilaspur is about 150 Kms. Being a lady it would be highly inconvenient for the applicant to travel alone from Durg to Bilaspur and vice versa especially at evening after attending the hearing.
7. Hon'ble Supreme Court in the matter of **Rajani Kishore Pardeshi Vs. Kishor Babula Pardeshi** reported in **2005 12 SCC 23**, has observed that the convenience of wife is to be preferred over the convenience of the husband. Further, Hon'ble Supreme Court in the matter of **Sumita Singh Vs. Kumar Sanjay and another** reported in **2001 10 SCC 41**, has observed that if husband files suit against wife, then convenience of wife must be looked into.
8. Thus, having ascertained the legal position, as aforesaid and keeping in view the law laid down in aforesaid cases, and particularly, keeping in view that distance between Durg District Durg to Family Court, Bilaspur, District-Bilaspur is about 150 Kms., the instant transfer petition deserves to be and is hereby allowed. It is directed that Civil Suit No. 727-A/2018 (**G. Nageshwar Rao Vs. Smt. M. Renuka**) filed under Section 13(1-A)(1-B) of Hindu Marriage Act, 1955 for dissolution of marriage before the learned Family Court, Bilaspur, District Bilaspur (C.G). is hereby withdrawn from the said Court and same is transferred to the file of Family Court Durg, District Durg, for hearing and disposal in accordance with law. The Judge Bilaspur, District Bilaspur (C.G.) is directed to transmit the record of the above case to the Principal Judge, Family Court Durg, District Durg (C.G.). Parties to appear before the Family Court, Durg, District Durg on **18.03.2021**.
9. Interlocutory application, if any, stands disposed of.
Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge