

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 17 of 2020**

- Smt. Anjana Beldar W/o Narad Beldar Aged About 32 Years R/o Nayapara, Beldarpara, P.S. Durg, Tahsil And District Durg Chhattisgarh.

---- Petitioner**Versus**

- Narad Singh Beldar S/o Ranjeet Singh Beldar Aged About 42 Years R/o Singhouri, Tahsil And District Bemetara, Chhattisgarh At Present R/o Village Tihupara Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	:	Ms. Swati Verma, Advocate.
For Respondent	:	Mr. Anil Gulati, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/01/2021**

1. This is a petition under Section 24 of the Code of Civil Procedure, 1908 (in short 'CPC') seeking transfer of Civil Suit Case No. 85-A/2019 (Narad Singh Beldar S/o. Ranjeet Singh Beldar Vs. Smt. Anjana Beldar W/o Narad Beldar), pending before Principal Judge, Family Court Bemetara, District Bemetara (C.G.) to learned Principal Judge Family Court, Durg, District Durg (C.G.)
2. Brief facts of the case are that the marriage of petitioner and respondent was solemnized on 01.03.2005 with Hindu Ritual and custom. After marriage, two children were born from their wedlock. After some time of marriage, the family members of respondent/husband started harassing the petitioner/wife mentally and physically on trifles. Therefore, the petitioner/wife has filed the application under Section 12 of Domestic violence Act before the learned Judicial Magistrate First Class Durg. During subsistence of marriage the petitioner had also filed an application under Section 125 of Cr.P.C. before the Principal Judge, Family Court, Durg for grant

of maintenance. the respondent/husband has filed an application under Section 09 of Hindu Marriage Act before the Principal Judge, Family Court, Bemetara, and the learned Family Court issued the notice on 30.12.2019 for her appearance on 21.01.2020. Now, she has filed the instant transfer petition before this Court stating *inter alia* that presently she is residing at Durg with her children and she is facing great difficulties in attending proceedings before the learned Principal Judge, Family Court Bemetara, District Bemetara which is near about 70 Km away from the Durg. Therefore, the Civil Suit No. 85-A/2019 pending before the learned Principal Judge, Family Court Bemetara, District Bemetara (C.G.) be transferred to the Family Court Durg, District Durg (C.G.) for hearing and disposal in accordance with law.

3. Learned counsel for the applicant submits that the applicant/wife is residing at Durg and she is facing great difficulties in attending the proceeding at Family Court Bemetara as the distance between Family Court, Bemetara, where matrimonial suit has been instituted by respondent/husband and Family Court, Durg is near about 70 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 for divorce pending before the Family Court Bemetara, District Bemetara 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.
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 where the applicant/wife is residing, to the Family Court, Bemetara is about 70 Kms. Being a lady it would be highly inconvenient for the applicant to travel alone from Durg to Bemetara 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 aforestated and keeping in view the law laid down in aforesaid cases, and particularly, keeping in view that distance between Family Court Bemetara and Family Court Durg is about 70 Kms., the instant transfer petition deserves to be and is hereby allowed. It is directed that Civil Suit No. 85-A/2019 (Narad Singh Beldar S/o. Ranjeet Singh Beldar Vs. Smt. Anjana Beldar W/o Narad Beldar) filed before Principal Judge, Family Court Bemetara, District Bemetara (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 Principal Judge, Family Court Bemetara, District Bemetara (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 on **01.03.2021**.
9. Interlocutory application, if any, stands disposed of.
Certified copy as per rules.

**Sd/-
(Rajani Dubey)
Judge**