

HIGH COURT OF CHHATTISGARH, BILASPUR**T.P(C) No.15 of 2021**

Shrimati Vijeta Swarnakar D/o Ishwar Swarnakar, Aged About 38 Years R/o Kedia Chowk, P.S. And Tahsil, Sarangarh, District Raigarh Chhattisgarh ---- **Petitioner**

Versus

Pradeep Kumar Soni S/o Late Manharan Lal Soni, Aged About 39 Years Permanent Resident Of Village Navapara Tenda P.S. Gharghora, District Raigarh, Chhattisgarh, Currently Residing At Sub Health Center, Bemtatoli, Tahsil Kunkuri, District Jashpur, Chhattisgarh ----**Respondent**

For Petitioner:	Smt Madhu Nisha Singh, Advocate.
For Respondent:	Shri Sumit Singh, Advocate.

Single Bench:Hon'ble Shri Deepak Kumar Tiwari J
Order On Board

20.12.2021

1. This Petition has been filed by the Petitioner/wife under Section 24 CPC seeking transfer of Misc. Civil Suit No.06/2020 from the Family Court, Jashpur to the Family Court, Raigarh.
2. Brief facts of the case are that the Petition filed an application under Order 9 Rule 13 CPC for setting aside the *ex parte* decree and judgment dated 19.09.2019 passed in Civil Suit No.30-A/2019 by which, the Court below had allowed the Petition of the Respondent under Section 13A and 13B of the Hindu Marriage Act,1955 and thereby dissolving the marriage dated 02.05.2014 of the parties herein.
3. Learned Counsel for the Petitioner submits that there is a reasonable threat to the life of the Petitioner and therefore, it is impossible for her to attend the proceedings before the Family Court, Jashpur. The Petitioner is a Government employee posted at Sarsiwa as Development Block Bilaigarh, District Baloda Bazar.

She further submits that the Petitioner has no support, whatsoever and is required to shoulder the personal and professional responsibilities on her own, therefore, it is submitted that the said case may be transferred as prayed for.

4. Per contra, learned Counsel for the Respondent opposes the application and submits that the Petitioner had lodged FIR under Section 498-A/34 IPC due to which, the family members suffered for five years, judgment of acquittal was passed on 14.02.2019 and the intention of the Petitioner is to harass the Respondent by every means. The Petitioner's allegation about danger to her life is baseless, the Respondent is posted at Sub Health Centre, Bemtatoli, Kunkuri, District Jashpur as health worker and his duty was fixed with Covid-19 vaccination in different places, therefore, it is prayed that the application of the Petitioner may be dismissed.

5. Heard learned Counsel for the parties.

6. In the matter of Rajani Kishore Pardeshi v. Kishore Babulal Pardeshi, (2004) 15 SCC 237, it has been held that the convenience of wife is to be preferred over the convenience of husband. The Supreme Court has further held in the matter of Sumita Singh vs. Kumar Sanjay and Another reported in (2001) 10 SCC 41 that if husband files a suit against the wife, then the convenience of wife must be looked into.

7. Consequently, Misc. Civil Suit No.06/2020 pending before the Family Court, Jashpur is transferred to the Family Court, Raigarh with immediate effect. The parties are directed to appear before the Family Court Raigarh on 12/01/2022 for further proceedings. The Family Court, Jashpur shall transfer the record to the Family Court, Raigarh immediately.

8. Accordingly, the TPC is allowed.

Sd/-

(Deepak Kumar Tiwari)
JUDGE