

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (C) No. 28 of 2021**

Smt. Rakhi Vaid, aged about 32 years W/o Mr. Saurabh Vaid and D/o Mr. Nemichand Surana R/o Shanti Bihar Colony, Daganiya, Near Vivekanand School, P.S. Saraswati Nagar, Raipur Distt. Raipur (C.G.)

---- **Petitioner**

Versus

Saurabh Vaid, aged about 37 years S/o Late Santosh Kumar Vaid R/o Rishabdev Chowk, Bilaspur Road, Kawardha, P.S. Kawardha, Distt. Kabirdham (C.G.).

--**Respondent**

For Petitioner	:	Mr. Raza Ali, Advocate
For Respondent	:	Mr. Kunal Das, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

13/12/2021

1. The instant petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner to transfer the case No. 9-A/2021 from the Family Court, Kabirdham to the Family court, Raipur which has been filed by the respondent under Section 13(1) (a) & (b) of the Hindu Marriage Act for grant of decree of divorce.
2. It is submitted by the counsel for the petitioner that it will cause hardship to the petitioner along with her minor daughter who is 4 years old to attend the proceeding at Family Court at Kabirdham on each date of hearing and to travel for about 10 hours to and fro journey from Raipur. He further submits that there is a reasonable apprehension that the respondent or any of his family members may act in a criminal manner. He further submits

that at one point of time, the respondent had threatened the petitioner and her mother for which a report was lodged in the police. The petitioner has also filed an application for maintenance before the Family Court, Raipur and the same is pending for evidence, so, it is prayed to transfer the aforesaid case to Family Court, Raipur.

3. Counsel for the respondent opposes the submissions made by the counsel for the petitioner.
4. In the matter of **Rajani Kishore Pardeshi v. Kishore Babulal Pardeshi, (2004) 15 SCC 237**, it has been held that in such cases, the convenience of wife is to be preferred over the convenience of husband.
5. Consequently, case No. 9A/2021(Sourabh Vaid v. Smt. Rakhi Vaid), pending in the Family Court, Kabirdham is transferred to the Family Court, Raipur with immediate effect. The parties are directed to appear before the Family Court Raipur on 12/01/2022 for further proceeding. The Family Court, Kabirdham shall transfer the record to the Family Court, Raipur, immediately.
6. Accordingly, the TPC is allowed.

Sd/-
(Deepak Kumar Tiwari)
Judge