

HIGH COURT OF CHHATTISGARH, BILASPUR
Transfer Petition (C) No.51 of 2021

Smt. Palani Yadav W/o Bhushan Yadav Aged About 29 Years R/o Village And Post Patewa, P.S. Ghumka, Tahsil And District Rajnandgaon Chhattisgarh. ----- **Petitioner**

Versus

Bhushan Yadav S/o Ramadhar Yadav Aged About 30 Years R/o Chandan Awas Rajkishore Nagar, P.S. Sarkanda, District Bilaspur Chhattisgarh., -----**Respondents**

For Petitioner:	Smt Nand Kumari Kashyap, Advocate.
For Respondent:	None, though served.

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

16.12.2021

1. This is the Petition filed under Section 24 of the Code of Civil Procedure, 1908 by the wife/Petitioner for transferring Civil Suit No.84-A/2020 pending before the Principal Judge, Family Court, Bilaspur to the Court of Principal Judge, Family Court, Rajnandgaon.
2. Brief facts of the case are that the Respondent has filed a Civil Suit under Section 13(1) of the Hindu Marriage Act to dissolve the marriage by way of a decree of divorce, which was solemnized on 28.01.2019 at village Patewa, District Rajnandgaon. The Petitioner/wife is working as Assistant Teacher (LB) at Government Primary School, Vijayatala Block, District Rajnandgaon, which is around a distance of 250 kms away from Bilaspur.
3. Learned Counsel for the Petitioner submits that the Petitioner, being a working lady, cannot travel to the Family Court, Bilaspur on each and

every date of hearing and therefore, prayed for transfer of the said case.

4. In the matter of Rajani Kishore Pardeshi v. Kishore Babulal Pardeshi, reported in **(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.

6. Having considered the facts and circumstances of the case and the submissions made by learned Counsel for the Petitioner as also the case law cited above, the instant Transfer Petition is allowed and accordingly, it is directed that Civil Suit No.84-A/2020 pending before the Principal Judge, Family Court, Bilaspur be transferred to the Court of Principal Judge, Family Court, Rajnandgaon.

7. The parties are directed to appear before the Family Court, Rajnandgaon on 19.01.2022. The learned Principal Judge, Bilaspur is directed to remit the record forthwith.

Sd/-

(Deepak Kumar Tiwari)
JUDGE