

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****TPC No. 88 of 2019**

- Smt. Chanchal @ Rewti Dwivedi W/o Vinay Dwivedi Aged About 29 Years D/o Shri Ram Kumar Chaturvedi, Occupation Sewing And Nursing, R/o Budhwari Bazar, In Front Of Janaki Mandir Temple, Korba, Tahsil And District Korba, Chhattisgarh.

---- Petitioner**Versus**

- Vinay Dwivedi S/o Shrinivas Dwivedi Aged About 29 Years Occupation Service, R/o Rajiv Nagar, Near Saraswati Shishu Mandir, Baikunthpur Raigarh, Tahsil And District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr Rajesh Roshan Singh, Advocate.
For Respondent	:	Mr. Abhishek Saraf, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/02/2021**

1. This is a petition under Section 24 of the Code of Civil Procedure, 1908 (in short 'CPC') seeking transfer of Civil Suit Case No. F-74A/2019 (Vinay Dwivedi Vs. Smt. Chanchal @ Rewti Dwivedi), pending before Judge, Family Court Raigarh, District Raigarh (C.G.) to Family Court, Korba (C.G.).
2. Brief facts of the case are that the marriage of petitioner and respondent was solemnized on 04/05/2017 with Hindu Ritual and custom at Raipur (C.G.). After some time of marriage, the family members of respondent/husband started harassing the petitioner/wife mentally and physically for demand of dowry. Thereafter, petitioner/wife came to her parental House. The respondent/husband has filed an application under Section 13 of Hindu Marriage Act before Family Court, Raigarh District Raigarh (C.G.). Now, she has filed the instant transfer petition before this Court stating *inter alia* that presently she is residing at Korba and she is facing great difficulties in attending proceedings before Family Court, Raigarh District

Raigarh (C.G.) which is near about 110 Kms. away from the Korba. Therefore, the Civil Suit Case No. F-74A/2019 pending before the learned Judge, Family Court Raigarh, District Raigarh (C.G.) may be transferred to the Family Court Korba District Korba (C.G.) for hearing and disposal in accordance with law.

3. Learned counsel for the applicant submits that the applicant/wife is residing at Korba and she is facing great difficulties in attending the proceeding at Family Court Raigarh traveling 110 Kms. with her 18 month old child, as the distance between Family Court, Raigarh, where matrimonial suit has been instituted by respondent/husband and Family Court, Korba is near about 110 Kms. He 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 learned Judge, Family Court, Raigarh District Raigarh (C.G.) may be transferred to the file of Family Court, Korba, District Korba (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 Korba where the applicant/wife is residing, to the Family Court, Raigarh is about 110 Kms. Being a lady it would be highly inconvenient for the applicant to travel along with her 18 months child from Korba to Raigarh 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 Korba and Family Court Raigarh is about 110 Kms., the instant transfer petition deserves to be and is hereby allowed. It is directed that Civil Suit No. F-74A/2019 (Vinay Dwivedi Vs. Smt. Chanchal @ Rewti Dwivedi) filed before Judge, Family Court Raigarh, District Raigarh (C.G.) is hereby withdrawn from the said Court and same is transferred to the file of Family Court Korba, District Korba for hearing and disposal in accordance with law. The Judge, Family Court Raigarh, District Raigarh (C.G.) is directed to transmit the record of the above case to Family Court Korba, District Korba (C.G.). Parties to appear before the Family Court, Korba on **22.03.2021**.
9. Interlocutory application, if any, stands disposed of.
Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge