

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 97 of 2019**

- Saba Baksh, W/o Mohd. Irshad, Aged About 31 Years, R/o Juni Line, Sadar Bazar, District- Bilaspur Chhattisgarh.

---- Petitioner**Versus**

- Mohd. Irshad, S/o Mohd. Izrael, Aged About 34 Years, R/o Sabri Road, Farid Nagar, Bhilai, Tehsil & District- Durg Chhattisgarh.

---- Respondent

For Petitioner	: Ms. Naushina Afrin Ali, Adv.
For Respondent	: Mr. Pranjal Shukla, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.01.2021**

1. This petitioner has preferred this petition under Section 24 of the Code of Civil Procedure, 1908 for transfer of proceedings of Civil Suit No. 723/2019 (Mohd. Irshad Vs. Saba Baksh) pending before the Principal Judge, Family Court, Durg, District- Durg (C.G.) to Family Court, Bilaspur. The respondent filed an application for dissolution of marriage under Rule 103 r/w 105, 106 Chapter 11 of Muslim Law before the Principal Judge, Family Court, Durg, District- Durg (C.G.).
2. As per the counsel for the petitioner, the petitioner has undergone through medical procedures related to child birth owing to which, she has become very weak and cannot undertake long distance and strenuous travel from Bilaspur to Durg which is more than 150 KM, and it is difficult for her to attend the Family Court, Durg, District- Durg (C.G.), therefore, the case should be transferred to Family Court, Bilaspur (C.G.).
3. On the other hand, learned counsel for the respondent opposes the petition.
4. The point for consideration before this Court is that whose

convenience shall be preferred. In the matter of **Rajani Kishore Pardeshi Vs. Kishore Babulal Pardeshi, reported in (2005) 12 SCC 237**, it is held that in such case inconvenience of the wife is to be preferred over the convenience of the husband.

5. Looking to above mentioned facts and circumstances of the case, this Court finds that balance of convenience lies in favour of petitioner.
6. Consequently, the instant transfer petition is allowed. It is ordered that Civil Suit No. 723/2019 pending before the Principal Judge, Family Court, Durg, District- Durg (C.G.) is transferred to the Family Court, Bilaspur for its trial/disposal in accordance with law. The Court at Durg shall transmit the record to Family Court, Bilaspur (C.G.).
7. Both parties shall appear before Family Court, Bilaspur (C.G.) on 28th January, 2021. It is directed that both parties shall actively participate in the trial/ proceedings.

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

Ruchi