SUNITA GOSWAMI
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CGHC010304722026 2026:CGHC:46159

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HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 143 of 2026

1 - Lakshmi Alias Dhriti Luniya W/o Tanmay Luniya, Aged About 32 Years at present R/o Near Bandha Talab, Durg, Tehsil And District - Durg C. G.(correct address mentioned as per page No.12) (In impugned order address wrongly mentioned as Andha instead of Bandha)

... Petitioner(s)

versus

1 - Tanmay Luniya S/o Basant Luniya, Aged About 33 Years R/o Baba Ramdev Mandir, Gudgru -Para, Gandhi Chowk, Mahasamund, District - Mahasamund C.G.

--- Respondent(s)

For Petitioner	:	Mr. Shobhit Koshta, Advocate
For Respondent	:	Ms. Juhi Jaiswal, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

02.11.2026

1. This transfer petition under Section 24 of the Code of Civil Code, 1908 (for short ‘the CPC’) has been filed by the petitioner/wife seeking transfer of an application filed by the respondent/husband

seeking divorce before the Family Court, Mahasamund to Family Court, Durg.

2. Learned counsel for the petitioner submits that the petitioner is presently residing at Durg, which is around 100 km away from Durg. Thus, it would cause great inconvenience for her to attend each and every hearing of the case. Thus, he submits that the petition may be allowed and the application for divorce filed by the respondent registered as Civil Suit No. 11-A/2026 be transferred from Family Court, Mahasamund to Family Court, Durg. He placed reliance upon the judgment rendered by Hon'ble the Supreme Court in the matter of **Sumita Singh Vs. Kumar Sanjay and Another,** reported in **(2001) 10 SCC 41**.

3. Per contra, Ms. Juhi Jaiswal submits that the petitioner is aged about 31 years and she is capable enough to come to Mahasamund and attend the hearing of the case and the respondent is ready to bear the travelling and other expenses of the petitioner for attending the hearing of the case. She placed reliance upon the decision rendered by Hon'ble the Supreme Court in the matter of **Krishna Veni Nagam Vs. Harish Nagam,** reported in **(2017) 4 SCC 150** and judgments of M.P. High Court in the matter of **Malti Shakyawar Vs. Mukesh Shakyawar, 2019 SCC OnLine MP 1433** and **Ekta Vaish Vs. Deepak Kuchbandiya, 2026 SCC OnLine MP 1352.** She further submits that convenience of the wife may be considered.

4. I have heard learned counsel appearing for the parties and perused the entire record.

5. It is true that convenience of the wife is required to be considered in cases of transfer in matrimonial disputes. However, if the facts of the case is examined, the distance between Mahasamund and Durg is around 80 km as submitted by the petitioner. Apart from this, the petitioner is a young lady, aged about 32 years and it is not the case that she is unable by any other means to attend the hearing of the case at Mahasamund. Thus, this court is not inclined to allow the transfer petition. Subject to the fact that on attending the case at Mahasamund, the respondent shall bear the cost of Rs.1000/- per hearing of the case for appearance of the petitioner. The petitioner is also at liberty to move appropriate application for appointment of amicus curie for her representation before the learned Family Court and also make a prayer for her appearance before the Family Court through video conferencing, if such an eventuality arises. This may be considered by the learned Family Court in accordance with law.

6. With the above observation, the petition stands disposed of.

Sd/-

(Sachin Singh Rajput)
Judge

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