CGHC010318402026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 147 of 2026

- Smt. Shobhna Porte W/o Shri Daulat Ram Porte, Aged About 40 Years R/o Ward No. 24, Darri Para, Kawardha, Police Station And Tahsil - Kawardha, District - Kabirdham (C.G.)

... Petitioner(s)

versus

- Daulat Ram Porte S/o Late Kaushal Singh Porte, Aged About 44 Years R/o College Road, Nawapara, Surajpur, District - Surajpur, District - Surajpur (C.G.), Present Address - Additional Superintendent of Police, Traffic Branch, Raipur, District - Raipur (C.G.)

... Respondent(s)

Digitally signed by VAISHALI LUCKY NAGARIA
VAISHALI LUCKY NAGARIA

For Petitioner(s)	:	Mr. Chandrakaditya Pandey, Advocate
For Respondent(s)	:	Mr. T.K. Jha, Senior Advocate with Mr. Nikhil Pandey, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

27/10/2026

1. This petition under Section 24 of Civil Procedure Code, 1908 (for short 'CPC') has been filed by the petitioner/wife seeking for transfer of Case No.CMC/157/2025 pending before the Third Additional Principal Judge, Family Court, Raipur, District –Raipur (C.G.) to the Family Court, Kawardha, District-Kabirdham (C.G.).

2. Learned counsel for the petitioner/wife submits that the respondent, who is the husband of the petitioner has filed an application under

Section 25 of the Guardians and Wards Act, 1890 seeking custody of his children as well as under Section 13 of the Hindu Marriage Act, 1955 for seeking decree of divorce against the petitioner before the Family Court, Raipur, District – Raipur (C.G.). She submits that the petitioner is a lady and at present residing at Kawardha which is about 118 KM from Raipur, thus, it causes great inconvenience to the petitioner to attend each and every hearings of the case at Family Court, Raipur. Apart from this, she submits that earlier proceedings under Section 144 of Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS') was drawn before the Family Court, Kawardha in which the respondent/husband has entered his appearance and contested the same case and an order of maintenance was granted in favour of the petitioner and some complaint cases are also pending before the Judicial Magistrate First Class, Kawardha. She further submits that in matrimonial matter, the convenience of wife is to be considered by the Court. She has placed reliance upon the decisions of the Supreme Court in the matter of **Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi** reported in **(2005) 12 SCC 237** and in **NCV Aishwarya v. A.S. Saravana Karthik Sha** reported in **2022 LiveLaw (SC) 627.** Therefore, it is prayed that the case pending before the Family Court, Raipur be transferred to Family Court, Kawardha, District – Kabirdham (C.G.).

3. Learned counsel appearing for the respondent/husband opposes the submission advanced by learned counsel for the petitioner/wife and submits that at present the respondent is posted at Raipur and the distance between Kawardha and Raipur is not 118 KM rather it is 110 KM only. He further submits that this petition has been filed by the petitioner just to delay the divorce proceedings.

4. Heard learned counsel for the parties and perused the records.

5. After perusal of the records, considering the submission made and in view of the decision of the Supreme Court in the matter of **Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi** reported in **(2005) 12 SCC 237** and in **NCV Aishwarya v. A.S. Saravana Karthik Sha** reported in **2022 LiveLaw (SC) 627,** this Court is inclined to allow the petition.

6. Accordingly, this petition is **allowed**. It is directed that the Case No.CMC/157/2025 (Daulat Ram Porte Vs. Smt. Shobhna and Others*)* pending before the Family Court, Raipur, District – Raipur (C.G.) is transferred to Family Court, Kawardha District - Kabirdham (C.G.). Parties are now directed to appear before the Family Court, Kawardha on **23.12.2026**. In case respondent-husband fails to appear at Family Court, Kawardha on that day, learned Judge presiding over the said Court may issue notice to him for a date to be fixed by it. It is also observed that learned Family Court, Kawardha shall fix the same date on which, the other proceeding is fixed for hearing for convenience of the parties as far as possible.

7. Let the records of the said case be sent to Family Court, Kawardha from Family Court, Raipur as early as possible.

Sd/-
(Sachin Singh Rajput)
Judge

Vaishali