CGHC010330402026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPC No. 157 of 2026

1 - Smt. Rani Chandrakar @ Bageshwari Wife Of Virendra Chandrakar, Aged About 29 Years Resident Of Gonjadih, Dhanoura, P.S. Pipariya, District Kabirdham (C.G.)

... Petitioner(s)

versus

1 - Virendra Chandrakar Son Of Lakhan Lal, Aged About 32 Years Earlier Resident Of Shitlapara, Village Dhaneli, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	**:**	Mr. Titra Ram Patel, Advocate
For Respondent(s)	**:**	None despite service.

Hon’ble Shri Justice Sachin Singh Rajput

Judgment on Board

03/11/2026

This is an application under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Civil Suit No. 224 of 2025 filed by the respondent under Section 13(a) of the Hindu Marriage Act, 1955 pending before the Principal Judge, Family Court, Raipur, Chhattisgarh, to the Family Court, Kabirdham, District Kabirdham , CG.

2. Learned counsel for the petitioner submits that the husband/respondent has filed a petition under Section 13(1)(a) of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955'), seeking dissolution of marriage before the Principal Judge, Family Court, Raipur (C.G.). He

further submits that the petitioner is presently residing at Kabirdham (C.G.), which is approximately 125 kilometres away from Raipur, along with her four-year-old male child. It is further submitted that the petitioner has no independent source of income. It is also submitted that an application under Section 125 of the Code of Criminal Procedure, 1973 was filed before the Family Court, Kawardha, CG. As well as an application under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023'), is pending consideration before the Family Court, Kawardha, District Kabirdham (C.G.). Hence, the present application has been filed seeking transfer of the aforesaid matrimonial proceedings. He relied upon the judgment passed by the Hon'ble Supreme Court in the Case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha** reported in **2022 SCC OnLine SC 1199.**

3. None for the respondent despite service of notice.

4. Heard the counsel for the petitioner and the perused the record. In the case of **N.C.V. Aishwarya (supra)** it was held as under:-

> *9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.*
>
> *10. Further, when two or more proceedings are pending in different Courts between the same parties which raise*

> *common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.*
>
> *11. As noticed above, the appellant is a young lady aged about 21 years, staying alone along with her aged parents. Under the above circumstances, it is difficult for her to travel all the way from Chennai to Vellore to attend the court proceedings of the case filed by the respondent seeking annulment of marriage. Further, it is also just and proper to club all the three cases together to avoid multiplicity of the proceedings and conflict of decisions. Therefore, the High Court was not justified in rejecting transfer petition bearing TR.C.M.P.No.473 of 2020, filed by the appellant herein.*

5. In view of the aforesaid submissions and none appearing on behalf of the respondent, the application is **allowed**. Accordingly, Civil Suit No. 224 of 2025 (Virendra Chandrakar Vs. Smt. Rani Chandrakar @ Bageshwari), pending before the learned Principal Judge, Family Court, Raipur, District Raipur (C.G.), is hereby transferred to the Family Court, Kabirdham (C.G.).

6. The learned Family Court, Raipur, is directed to transmit the entire record of the case to the learned Family Court, Kabirdham, Chhattisgarh, forthwith and the parties shall appear before the learned Family Court, Kabirdham, Chhattisgarh, on 23.12.2026. In case the respondent fails to appear on the said date, the learned Family Court shall issue fresh notice to the respondent for his appearance.

7. All pending interlocutory applications, if any, stand disposed of.

Sd/-
(Sachin Singh Rajput)
JUDGE

Pawan