



CGHC010432262026 2026:CGHC:46895

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

TPCR No. 28 of 2026

- Sajjan Mitra Majumdar S/o Vibhash Mitra Majumdar Aged About 35 Years Occupation - Software Engineer R/o Swapn Niwas J. B. G. Chaya Kabir Chowk Tahsil And District Raigarh C.G.

... Petitioner

versus

- Smt. Shreya Mitra Majumdar W/o Sajjan Mitra Majumdar Aged About 33 Years R/o Swapn Niwas J. B. G. Chaya Kabir Chowk Tahsil And District Raigarh C.G. Current Address - Jarhabhata Om Nagar Bilaspur C.G.

... Respondent

(Cause title, as taken from Case Information System)

For Petitioner	:	Ms. Astha Patel, Advocate.
For Respondent	:	--

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board

05/11/2026

1. Heard on admission.

2. The petitioner has filed the instant transfer petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), seeking transfer of Misc. Criminal Case No.868/2026, filed by the respondent/wife and pending before the learned Principal Judge,

Family Court, Bilaspur (C.G.), to the Court of the learned Family Court, Raigarh, District Raigarh (C.G.).

3. Learned counsel for the petitioner/husband would submit that the marriage of the petitioner/husband was solemnized with the respondent/wife on 25.02.2022. Out of their wedlock, they have been blessed with a son. However, without any reason, the respondent/wife left the company of the petitioner and started residing at Bilaspur with her parents and minor son. She further submits that despite various efforts made by the petitioner/husband to bring the respondent/wife back, she did not return. It is further submitted that the petitioner/husband has filed an application under Section 9 of the Hindu Marriage Act, which is pending consideration before the learned Family Court, Raigarh, District Raigarh. Thereafter, the respondent/wife filed an application under Section 144 of the BNSS, seeking maintenance, before the learned Principal Judge, Family Court, Bilaspur (C.G.). Learned counsel further submits that the petitioner/husband is a permanent resident of Raigarh and is working there as a software engineer. He has to take leave repeatedly to attend the hearings in Misc. Criminal Case No.868/2026, filed by the respondent/wife and their minor son seeking maintenance before the Family Court, Bilaspur. She further submits that the petitioner/husband is ready to bear all reasonable travel expenses of the respondent/wife for travelling from Bilaspur to Raigarh. Therefore, learned counsel prays that the present petition be allowed and Misc. Criminal Case No.868/2026 (*Smt. Shreya Mitra Majumdar and Another vs. Sajjan Mitra Majumdar*), filed by the respondent/wife, be transferred from the

Court of the learned Principal Judge, Family Court, Bilaspur, to the Family Court, Raigarh, District Raigarh (C.G.).

4. During the course of submissions, learned counsel for the petitioner/husband informed this Court that the distance between Raigarh and Bilaspur is approximately 143 km and that there is direct bus and train connectivity between the two places. The respondent/wife is residing at Bilaspur with her parents along with her minor son, aged about three years.

5. Hon'ble Apex Court in ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik*** reported in **2022 SCC Online SC 1199** held at para 9 which reads 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."*

6. Hon'ble Supreme Court in the matter of ***Sumita Singh Versus 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. Hon'ble Supreme Court in the matter of ***Rajani Kishor Pardeshi Versus Kishore Babulal Pardeshi*** reported in **(2005) 12 SCC 237** has observed that the convenience of wife is to be preferred over the convenience of the husband.

7. In view of the aforesaid observations made by the Hon’ble Supreme Court and having regard to the fact that the respondent/wife is residing at Bilaspur along with her minor son, aged about three years, this Court is of the opinion that transferring the maintenance case from Bilaspur to Raigarh would cause greater inconvenience to the respondent/wife. Therefore, this Court is not inclined to allow the instant transfer petition. Consequently, the present transfer petition is **dismissed at the motion stage**.

8. Pending interlocutory application(s), if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Rukhsar