

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

**HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY
ON THE 2nd OF FEBRUARY, 2024**

MISCELLANEOUS CIVIL CASE No. 1527 of 2023

BETWEEN:-

**SMT. MANISHA W/O SHRI RAMGOPAL SAHU D/O SHRI
RADHESHYAM SAHU, AGED ABOUT 35 YEARS, R/O
BSNL COLONY QUARTER NO. 01 TYPE 04 KHATIWALA
TANK INDORE (MADHYA PRADESH) PIN 452014**

.....APPLICANT

(BY MS. SABHYA PANDEY- ADVOCATE)

AND

**RAMGOPAL SAHU S/O SHRI UDHAM SINGH SAHU,
AGED ABOUT 36 YEARS, OCCUPATION: MANAGER
BANK OF BARODA R/O H.NO 298 SAI NATH GLOBAL
SCHOOL KE PASS NEW CITY COLONY GUNA DISTRICT
GUNA MADHYA PRADESH
OFFICE ADDRESS BANK OF BARODA HAZI SUNNU
MARKIET A.B. ROAD SHIVPURI (MADHYA PRADESH)**

.....RESPONDENT

(NONE FOR THE RESPONDENT)

*This application coming on for hearing this day, the court passed the
following:*

ORDER

B y this MCC, the applicant-wife has approached this Court under Section 24 of the C.P.C. seeking transfer of Case No.14/2023 pending in the Court of Principal Judge, Family Court, Guna filed by respondent/husband under Section 13 of Hindu Marriage Act for divorce to Family Court, Indore.

I t is the submission of learned counsel for the applicant-wife that marriage between applicant and respondent was solemnized on 11/03/2012.

Soon after the marriage, respondent started harassing her mentally as well as physically and after some time, ousted from the house and now the respondent-husband moved a suit for divorce which is pending before Family Court, Guna. Out of the wedlock applicant has a seven years old daughter to look after. Applicant has no source of income and it is not possible for her to attend the Court at Guna which is 290 kms away from Indore. The applicant is a poor lady having no source of income, therefore, is unable to bear travelling expenses, therefore, it is necessary to transfer the aforesaid case at Indore.

Heard.

In the case of **Sumita Singh Vs. Kumar Sanjay and Another, (2001) 5 Supreme 667**, Hon'ble Apex Court has held that in a matrimonial proceedings, if proceedings are initiated by husband, then wife's convenience must be looked at, therefore, in the facts and circumstances of the case, it is considered apposite to direct for transfer of the Case No.14/2023 filed under Section 13 of Hindu Marriage Act by the husband pending before Family Court, Guna to Family Court, Indore.

With the aforesaid direction, petition stands **disposed of and allowed.**

(ROOPESH CHANDRA VARSHNEY)
JUDGE

Pj'S/-