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. 2202 of 2023

BETWEEN:-

SMT. PRIYANKA KORI W/O SHRI HEMANT KUMAR D/O KALLURAM, AGED ABOUT 24 YEARS, OCCUPATION: TUITION/COACHING WORK R/OP GAYATRI MANDIR, GUPTA PURA, DABRA, DISTRICT GWALIOR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI NITIN GOYAL- ADVOCATE)

AND

HEMANT KUMAR S/O LATE SHRI DEVILAL, AGED ABOUT 35 YEARS, OCCUPATION: GOVERNMENT SERVANT R/O BIRKHA KOLI KA BADA, TANSEN ROAD, GWALIOR (MADHYA PRADESH)

.....RESPONDENT

(NONE FOR THE RESPONDENT)

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

ORDER

By this MCC, the applicant-wife has approached this Court under Section 24 of the C.P.C. seeking transfer of Case No.888/2023 (HMA) pending in the Court of Principal Judge, Family Court, Gwalior filed by respondent/husband under Section 13(A) of Hindu Marriage Act for divorce to Family Court, Dabra, District Gwalior.

It is the submission of learned counsel for the applicant-wife that marriage between applicant and respondent was solemnized on 02/05/2021.

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Signed by: PRINCEE BARAIYA
Signing time: 05-02-2024 11:54:42 AM

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 Principal Judge, Family Court, Gwalior. Applicant/wife is living in her parental home, therefore, it is not possible for her to attend the proceedings at Gwalior. She has fear of her life from the respondent or his family members while attending Court dates at Gwalior. Under such circumstances, it is prayed that aforesaid pending before Principal Judge, Family Court, Gwalior may be transferred to Family Court, Dabra, District Gwalior.

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.888/2023 (HMA) filed under Section 13(A) of Hindu Marriage Act by the husband pending before Principal Judge, Family Court, Gwalior to Family Court, Dabra, District Gwalior.

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

(ROOPESH CHANDRA VARSHNEY)
JUDGE

Pj'S/-

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Signed by: PRINCEE BARAIYA
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