

THE HIGH COURT OF MADHYA PRADESH
M.C.C. No. 2571/2018

1 *Smt. Pooja Bilarwan V/s. Virendra Bilarwan.*

Indore, dated : 14.12.2018

Shri Sandeep Vyas, learned counsel for the applicant.

None for the respondent though served.

ORDER

The applicant/wife has filed the present application u/s. 24 of the C.P.C. seeking transfer of HMA Case No.1174/2018 (Virendra Bilarwan V/s. Smt. Pooja Bilarwan) from the Family Court Indore to the Family Court Bhopal.

2. Brief facts of the case are that the marriage of the applicant and the respondent was solemnized on 8.5.2014 per Hindu customs at Bhopal. Thereafter, certain dispute arose between them and they started living separately. Out of the wedlock, the applicant is having minor child and he is dependent on her.

3. The present petition is filed for transfer of the case from the Family Court Indore to the Family Court Bhopal on the ground that the distance between Bhopal and Indore is about 200 Kms. She and her minor child are dependent on her parents. She has no source of income. She has filed an application u/s. 125 of Cr.P.C. for interim maintenance before the Family Court at Bhopal and the respondent is attending the case pending in the Court at Bhopal. In support of contention, learned counsel for the applicant placed reliance over the judgment of **Aarti Rani V/s. Dharmendra Kumar Gupta : AIR 2009 SC (Suppl) 758;** **Sumitra Singh V/s. Kumar Sanjay : AIR 2002 SC 396;** and **Renu Gautam V/s. Vinod Goutam : AIR 2000 SC 3405.**

4. There is no opposition to the application for transfer.

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5. The applicant is residing with her parents along with her minor child and she has no source of income. It is settled law that the convenience of wife has to be seen rather than the husband. The respondent can very well travel from Indore to Bhopal.

6. In view of the above, the applicant has been able to make out a case for transfer. Accordingly, this application is allowed and the HMA Case No.1174/2018 pending before the Principal Judge, Family Court, Indore is transferred to the Family Court at Bhopal.

**(VIVEK RUSIA)
JUDGE**

Alok/-