

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE HIRDESH

ON THE 14th OF MAY, 2024

MISC. CIVIL CASE No. 2344 of 2023

BETWEEN:-

**DEEPIKA W/O DEEPAK LASHKARI, AGED ABOUT 30 YEARS,
OCCUPATION: HOUSEWIFE 66-67 BHAKTAMBER VIHAR
COLONY DEVAJI ROAD DHAR AT PRESENT MASTER COLONY
AGAR (MADHYA PRADESH)**

.....APPLICANT

(MS. PRATIBHA VERMA, ADVOCATE FOR APPLICANT)

AND

**DEEPAK LASHKARI S/O SHAYAM LAL JI, AGED ABOUT 36
YEARS, OCCUPATION: PRIVATE JOB 66-67, BHAKTAMBER
VIHAR COLONY DEVIJI ROAD DHAR (MADHYA PRADESH)**

.....NON-APPLICANT

(MS. ARCHANA MAHESHWARI, ADVOCATE FOR NON-APPLICANT)

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

ORDER

The applicant has filed this application under section 24 read with section 151 of Code of Civil Procedure, 1908, seeking transfer of RCS HMA Case No.84/2022 which was filed by the non-applicant and is pending before the Court of Principal Judge, Family Court, Dhar (MP) to the Court of Additional District and Sessions Judge, Agar (MP).

(2) Counsel for the applicant submits that in order to harass the applicant, the non-applicant has filed RCS HMA Case No.84/2022 against the applicant which is pending before the Court of Principal Judge, Family Court, Dhar (MP). The applicant is living at Agar, District Agar Malwa (MP). She has stated that she is dependent upon her parents for her livelihood and has stated that distance between Dhar and Agar is near about 180 kilometers and she cannot afford to travel as the same is expensive and there is no direct conveyance available from Agar to Dhar. Hence prays for transfer of the case from the Court of Principal Judge, Family Court, Dhar to the Court of Additional District and Sessions Judge, Agar (MP).

(3) *Per contra*, counsel appearing for the non-applicant opposes the application and prays for its dismissal.

(4) Heard counsel for the parties and perused the record.

(5) The Apex Court in the case of *Sumita Singh vs. Kumar Sanjay and another reported in (2001) 10 SCC 41* has held that in a husband's suit against wife, the convenience of the wife must be looked at and the application should be transferred to the place where she is residing.

(6) Considering the facts and circumstances of the case and also considering the ruling of Apex Court in the case of *Sumita Singh (supra)*, this MCC is allowed and RCS HMA

Case No.84/2022 pending before the Court of Principal Judge, Family Court, Dhar (MP) is transferred to the Court of Principal Judge, Family Court, Agar (MP) and if the same is not available then the said case may be transferred to the Court of Principal District Judge, Agar (MP).

(7) With the aforesaid, the present MCC stands allowed and is disposed of, in above terms.

(8) Certified copy, as per Rules.

(HIRDESH)
JUDGE

Arun/-