

**IN THE HIGH COURT OF MADHYA PRADESH AT
JABALPUR**

BEFORE

HON'BLE SMT. JUSTICE NANDITA DUBEY

M.C.C. NO. 288/2022

Between:-

SMT. HARSHA SHARMA

....PETITIONER

(By Shri Gulzar Rajput, Advocate)

AND

RAKESH SHARMA

.....RESPONDENTS

(By Shri Ayur Jain, Advocate)

Arguments heard on : 19.04.2022
Order delivered on 28.07.2022

ORDER

The respondent/husband filed an application under Section 13 of the Hindu Marriage Act for divorce, which is pending before the Additional District Judge, Bareilly, Raisen, Madhya Pradesh

2. The petitioner/wife, who is residing at Ganj Basoda, district Vidisha has filed this petition for transfer of case from Bareilly to Ganj Basoda on the ground that she has no source of income and no male member in her family apart from her old father, who could accompany her to Bareilly, which is 250 Kms from Ganj Basoda. Apart from this, the petitioner has filed a case under Section 125 of Cr.P.C. and also under Domestic Violence Act against the respondent/husband at Ganj Basoda.

3. On perusal of the record, it is evident that the cases filed by the petitioner at Ganj Basoda are subsequent to the application filed by the respondent/husband under Section 13 of Hindu Marriage Act. Probably, these cases are filed as a counter blast to the divorce petition.

4. It is undisputed that the two minor children of petitioner are residing with and being taken care by the respondent/husband. Under such circumstances, in comparison to petitioner/wife, the convenience of respondent/husband has to be given more weightage, as he is taking care of his two minor sons. Under the circumstances, he could not be forced to attend the proceedings at Ganj Basoda, leaving his minor children behind.

5. The main contention of petitioner is regarding the financial crunch, which can be borne by the husband. Petitioner may file an application in this regard before the concerned Court for fixing an appropriate amount. She may also file an application before the Court for being represented through counsel so that she need not attend the case on each and every date.

6. In view of the aforestated, the application for transfer of the matrimonial case of the petitioner from Bareli to Ganj Basoda is rejected. The respondent/husband is directed to pay the petitioner and her companion to and fro and stay expenses on every occasion on which she is required to travel from Ganj Basoda to Bareli. The respondent is also directed to ensure that no kind of inconvenience in this regard or in the proceedings is caused by him to the petitioner. The Family Court at Ganj Basoda is directed to quantify the amount in this regard and to ensure that

the same is paid to her on every occasion that she is required to remain present in the Court.

7. With the aforesaid direction, this petition stands dismissed.

(Nandita Dubey)
Judge
28/7/2022

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