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MCC-478-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 18th OF FEBRUARY, 2026MISC. CIVIL CASE No. 478 of 2026*SMT EKTA VAISH**Versus**DEEPAK KUCHBANDIYA*

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Appearance:

Shri Samar Singh Rajput - Advocate for the applicant.

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ORDER

The applicant/wife has filed the present petition under Section 24 of C.P.C. seeking transfer of RCSHM No.123/2025 (Deepak Kuchbandiya vs. Smt. Ekta Vaish), which is pending before the Court of Principal Judge, Family Court Narsinghpur to competent Court at District Harda.

2. The application for transfer of the case has been filed on the ground that applicant's marriage with the respondent was solemnized on 10.07.2024. Subsequently, matrimonial dispute has arisen between the parties, which has led to filing of an application under Section 9 of the Hindu Marriage Act by the respondent-husband in the Court of Principal Judge, Family Court Narsinghpur which was registered as RCSHM No.123/2025 whereas, the applicant-wife, who is resident of Harda, has also filed an application under Section 125 of Cr.P.C. for grant of maintenance before the Family Court, Harda which is pending adjudication.

3. Learned counsel for the applicant-wife has further submitted that the applicant, while residing at her matrimonial home, was subjected to cruelty and assault which has led to filing of an FIR on 28.07.2025 at Police Station Kotwali,



Narsinghpur which was registered as Crime No.578/2025 and another FIR was lodged on 24.10.2025 which was registered as Crime No.808/2025 at the same Police Station. It is submitted that due to continuous threat and fear, the applicant is facing difficulty to travel to Narsinghpur to attend the proceedings.

5. It is submitted that the applicant is not having any source of income and is dependent on her family members. It is further submitted that the distance between Harda and Narsinghpur is more than 300 Kms and she is required to travel alone. It is further submitted that the applicant being a lady is also entitled to contest her case at a place where the same is convenient to her. Thus, it is submitted that the case filed by the respondent-husband i.e. RCSHM No.123/2025 in the Court of Principal Judge, Family Court Narsinghpur, be transferred to competent Court at District Harda.

6. Heard the counsel for the applicant.

7. The Hon'ble Apex Court in the case of **Anindita Das vs. Srijit Das (2006)** 9 SCC 197 has held in paragraphs 3 to 7 as under :-

"3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.

4. This Court is now required to consider each petition on its merit. In this case the ground taken by the wife is that she has a small child and that there is nobody to keep her child. The child, in this case, is six years old and there are grandparents available to look after the child. The



respondent is willing to pay all expenses for travel and stay of the petitioner and her companion for every visit when the petitioner is required to attend the court at Delhi. Thus, the ground that the petitioner has no source of income is adequately met.

5. Except for stating that her health is not good, no particulars are given. On the ground that she is not able to come to Delhi to attend the court on a particular date, she can always apply for exemption and her application will undoubtedly be considered on its merit. Hence, no ground for transfer has been made out.

6. Accordingly, we dismiss the transfer petition. We, however, direct that the respondent shall pay all travel and stay expenses of the petitioner and her companion for each and every occasion when she is required to attend the court at Delhi.

7. The respondent shall send in advance to the petitioner, money for a 2nd class AC train ticket for herself and a companion. The respondent shall also pay stay expenses of the petitioner and her companion in a 3-star hotel. The trial court shall ensure that the petitioner has been paid the travel expenses in advance and that the hotel expenses are paid to her on each and every occasion when she is required to attend the court at Delhi."

8. Further, the Hon'ble Apex Court in the case of **Preeti Sharma vs. Manjit Sharma** (2005) 11 SCC 535 has held in para-2 as under :-

"2. Merely because the petitioner is a lady does not mean she cannot travel to Muzaffar Nagar. At the highest she can be paid expenses for travel and stay. We, therefore, direct that the respondent shall pay to the petitioner and a companion travel and stay expenses on every occasion that the petitioner is required to go to Muzaffar Nagar. The Court at Muzaffar Nagar shall ensure that such payment is made to the petitioner on every occasion. With these directions, the transfer



petitions are dismissed."

9. Coordinate Bench of this Court in the case of **Sunaina Vishwakarma Vs. Vijay Kumar Vishwakarma**, 2023 SCC Online MP 1148 (para 12), has held as under :-

"14. A perusal of the aforesaid reflect that in the present case, the petitioner has failed to make out a case of inconvenience or hardship inasmuch as, recently the petitioner herself is appearing in the Court at Anuppur in the other cases and recently on 11.04.2023, the petitioner has appeared in a case which is registered against the respondent under Section 498A of I.P.C. The counsel for respondent in the present case has also expressed that he is willing to bear the expenses which are required for appearance of the petitioner in the petition filed under Section 13 of Hindu Marriage Act by the respondent/husband.

15. Accordingly, in view of the aforesaid, this Court is not inclined to transfer the case No. RCS HM No. 40/19 from the Court of First Additional District Judge, Kotma, Anuppur District to District Jabalpur and accordingly, the present petition stands dismissed."

(emphasis supplied)

10. Coordinate Bench of this Court in the case of **Malti Shakyawar Vs. Mukesh Shakyawar**, 2019 SCC Online MP 1433, (para 10), has held as under :-

10. In the present case, the respondent has filed the application under Section 13 of Hindu Marriage Act, seeking divorce on the ground of cruelty. He is required to prove his case by way of evidence. If the proceedings are transferred from Biaora Rajgarh to Berasiya then, he will have to bring all his witnesses to the Berasiya, therefore, entire proceeding on the basis of apprehension of the petitioner that she may face problem in future while attending the proceedings at Biaora cannot be transferred.

11. Parties are not required to attend each and every date of the



proceedings his/her lawyer can attain the proceedings. The presence of parties are required in matrimonial cases only at the stage of conciliation and the evidence. The rest of the proceedings can be attended by their counsel. Hence, at this stage, I do not find any special reason for transfer of the RCS No. 57/2018, from Biaora Rajgarh to Berasiya at Bhopal."

11. Coordinate Bench of this Court in the case of **Sujata Vs. Abhishek Kulhare**, 2019 SCC Online MP 6795 (para 7 & 8), has held as under :-

"8. The said judgment has been relied by this Court in the case of Sangeeta Bhojak v. Rajkumar Bhojak reported in (2017) 3 MP LJ 565, wherein it has been held that the convenience and the distance alone is not the criteria for showing leniency in favour of the applicant wife.

9. In the present case also except for showing inconvenience of travelling alone from Damoh to Jabalpur, the applicant wife has not shown any other inconvenience.

10. In view of the aforesaid, I do not find any case for transfer of the matrimonial proceedings from Family Court, Jabalpur to Damoh. Accordingly, the MCC is dismissed."

(emphasis supplied)

12. Similarly, coordinate Bench of this Court in the case of **Pooja Sharma Vs. Rakesh**, 2019 SCC Online MP 5182 has held as under :-

"8. This Court in the matters of Smt. Pratibha Mishra v. Mukesh Mishra, vide order dated 28.10.2010 passed in MCC No. 510/2009, Anamika Pandey v. Shrihar Pandey vide order dated 27.08.2015 passed in MCC No. 1449/2014, Deepa Kuttapan v. Anil Rajan vide order dated 12.01.2007 passed in MCC No. 1536/2006 and Smt. Aditi Chouhan v. Deepak Chouhan vide order dated 14.03.2016



passed in MCC No. 83/2016 has dismissed the similar transfer applications.

9. This Court in the matter of Deepa Kuttapan v. Anil Rajan reported in 2007 (2) MPLJ 377 which permits the applicant to file an application for exemption on certain dates for sufficient cause for non appearance. Needless to say that the applicant is not required to appear before the Family Court on each and every date and is required to appear only on the concerned dates when the personal presence is required. Counsel for the respondent has already stated before this Court that the respondent will be paying the travelling as well as the lodging and boarding expenses for the applicant and one accompanying person as and when she is required to travel from Ratlam to Indore.

(emphasis supplied)

13. From the above enunciation of law, it is clear that now convenience of wife/lady is not the paramount consideration for deciding the transfer applications and alternatives to transfer proceedings have been provided, viz. through Video Conferencing. If the matter is to be proved by the witnesses of the place where the matter is being prosecuted then the other side can suitably be adjusted by making payment of commute.

14. Since both the FIRs have been lodged by the applicant at Narsinghpur against the respondent-husband for which the applicant had to travel to Narsinghpur to record her statement as well as the fact that an application under Section 9 of the Hindu Marriage Act has been filed by the respondent-husband at Family Court, Narsinghpur, therefore, considering the totality of the facts and circumstances of the case, the application is disposed of with a direction that the



applicant may appear before the Family Court, District Narsinghpur through video conferencing. The applicant shall attend the Court at Narsinghpur for her examination on the date fixed by the Court below for which the expenses would be borne by the respondent. The Family Court, Narsinghpur is directed to fix the date for examination of the applicant and accordingly, direct the respondent to make payment of the expenses of travel, lodging and boarding. For further dates and adjudication, the applicant is at liberty to appear before the Court through video conferencing and counsel who is appearing at Narsinghpur.

15. With the aforesaid, the MCC stands **disposed of**.

(DEEPAK KHOT)
JUDGE

Priya.P