

Nirmala Devi Vs. Ravindra Singh

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Court : Madhya Pradesh

Decided On : Sep-17-1998

Reported in : I(1999)DMC467

Judge : R.D. Vyas, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 13

Appeal No. : Miscellaneous Civil Case No. 419 of 1997

Appellant : Nirmala Devi

Respondent : Ravindra Singh

Advocate for Def. : Vaya, Adv.

Advocate for Pet/Ap. : Bhartiya, Adv.

Judgement :

R.D. Vyas, J.

1. This application is filed for transferring Civil Suit No. 108-A/96 filed by the non-applicant in the Court of District Judge, Ratlam to the Court of Additional District Judge, Kachrod.

2. The non-applicant had filed the suit for divorce under Section 13 of the Hindu Marriage Act. It is alleged in this application that the non-applicant is threatening

the applicant to take her life if she did not compromise of the divorce decree. It is stated that on 10.9.1997 when the case was listed before the District Judge, Ratlam which she attended in the Court and after the matter was adjourned when she came out of the Court compound, the non-applicant threatened her alongwith some accomplices. She states that she was told that if she did not compromise the divorce she would be done to death.

3. Looking to the averments in the application which is sworn-in by an affidavit in the interests of justice to direct the transfer of Civil Suit No. 108-A/96, which was given new number (57-A/98 contrary to the instructions to maintain the same in the district) to the Additional District Judge, Kachrod.

4. A judgment was cited by Mr. Vaya in 1985 MPWN 388, Meerabai Past v. Shivshankar Past, in which it was held that mere apprehension of physical harm is no ground for transfer. He pointed out another judgment in J LJ 1996 518, Usha Bai Jain (Smt.) v. Santosh Kumar Jain, which was followed that judgment. It must be appreciated that in that case what is held is that an apprehension of physical harm is no ground, but in this case there is an apprehension of life, therefore, this case is distinguishable.

5. In that view of the matter, the MCC is allowed with the aforesaid observation with no order as to costs.