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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MCA No. 1171 of 2014
Smt Sweeti v. Mahesh

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr Yogesh Mandpe, Adv for applicant
 Mr Srinivas Deshpande, Advocate
 (appointed) for respondent

CORAM : A. P. BHANGALE, J

DATED : 19th August 2015

1. Heard learned counsel for the parties. Applicant is prayed for transfer of Petition No. 603 of 2014 filed by respondent-husband for divorce in the Court at Nagpur to the file of Principal Judge, Family Court, Nagpur.

2. The grounds chosen for transfer are – (i) applicant is unemployed (ii) her parents are also poor; (iii) she cannot arrange for adequate finance to travel to Pune to attend the proceedings.

3. Respondent has been given legal aid to defend himself on his request letter addressed to the Registrar of this Court. He states that he is suffering from spondolysis and vertigo. He weighs only 35 years and has to maintain son Smeet who is learning in 9th standard.

4. Learned counsel for applicant-wife submits

that in a petition filed by husband, convenience of wife is to be seen. He has pressed into service rulings in **Sumita Singh v. Kumar Sanjay and anr** reported in **AIR 2002 SC 396** and **Nilima v. Mahesh** reported in **2012 (6) Mh.L. J. 453**. Learned counsel for applicant states that husband's claim that he is physically unfit, is without any documentary proof in the form of medical certificate. He further submits that claim of husband that applicant-wife is earning Rs. 15000-20,000 per month is devoid of any merit.

5. Learned counsel for respondent has opposed the application and he prays for its dismissal.

6. I have perused request letter sent by respondent. There are copies of applications submitted by respondent to the Director, State Institute of Education and Technology, Pune on perusal of which it seems that salary of respondent was unpaid for a considerable period. Moreover, it is not disputed that only son of applicant and respondent is living with respondent. He was taking education in 9th standard in the year 2014 and must now be in 10th standard. Respondent is maintaining son Smeet. Facts in the rulings cited by applicant's counsel are different than those involved in the present case. Needless to say, this Court has to take into consideration facts and circumstances of each case where transfer of case is sought and there cannot be particular parameters in regard to transfer of cases.

7. In the result, there is no substance in the

application and the same is dismissed. It is made clear that this Court has not made any observations in this order to influence the trial Court. Fees of Mr Srinivas Deshpande, learned counsel (appointed) is quantified at Rs. 2500/- (Rs. Two thousand five hundred only).

JUDGE

joshi