

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

Misc. Civil Application No. 829 of 2015

Applicant : Rashmi w/o Vivek Rungata, aged about
32 years, Occ: nil, resident of Krishnakunj
Himalaya Vishwa, Nagpur Road, Wardha
versus

Respondent : Vivek Mohanlal Rungata, aged about 35
years, Occ: Business, resident of Ghatanji,
District Yavatmal

Shri D. M. Surjuse, Advocate for applicant

Shri M. I. Dhatrak, Advocate for respondent

Coram : A. S. Chandurkar, J

Dated : 1st February 2017

P. C.

1. The present application has been filed under Section 24 of the Code of Civil Procedure seeking transfer of proceedings in Hindu Marriage Petition No. 70 of 2015 from the Court of Civil Judge, Senior Division, Yavatmal to the Court at Wardha.

2. The marriage between the parties was solemnized in the year 2008 and on 13.3.2012, a child was born out of said wedlock. On account of matrimonial differences, the respondent filed proceedings at Yavatmal seeking divorce. Subsequently, the applicant filed proceedings under the provisions of the Protection of Women From Domestic Violence Act, 2005 in the Court at Wardha.

3. It is submitted by learned counsel for the applicant that the applicant resides at Wardha along with her minor son. It is submitted that for attending the proceedings at Yavatmal court, applicant would be required to incur expenses. Moreover, she being lady and her son being a school-going boy, it would be inconvenient for her to attend the Court proceedings at Yavatmal and, therefore, the said proceedings deserve to be transferred to Wardha.

4. The application is opposed by the respondent. It is submitted that the applicant has made prayer for grant of travelling expenses in the proceedings filed for divorce at Yavatmal. This application was moved after filing the present proceedings. It is further submitted that the respondent is willing to bear the travelling expenses of the applicant.

5. After hearing learned counsel for the parties, it can be seen that the respondent is required to travel to Wardha to contest the

proceedings filed by the applicant. The evidence in the proceedings initiated by respondent is yet to commence. Considering the fact that the applicant is residing with her minor child at Wardha and the respondent is even otherwise required to travel to Wardha, the interests of justice would be met if the proceedings filed by the respondent are transferred to the Court at Wardha with a further direction that both the proceedings be conducted on the same date.

6. In view of aforesaid, following order is passed :-

Order

(i) The proceedings in HMP No. 70 of 2015 pending on the file of Civil Judge, Senior Division (4th Court), Yavatmal are transferred to the Court of Civil Judge, Senior Division, Wardha.

(ii) The proceedings in Criminal Case No. 7 of 2015 filed by the applicant before the Chief Judicial Magistrate, Wardha shall be fixed on the same date when the proceedings in HMP No. 70 of 2015 are fixed.

(iii) The parties shall cooperate with the trial Court for early disposal of both the proceedings.

(iv) Both the proceedings shall be decided on their own merits.

(v) MCA is thus allowed and disposed with no order as to costs.

A. S. CHANDURKAR, J