

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

MISC.CIVIL APPLICATION NO. 960 OF 2016

Ankita @ Runzun w/o Shiva Agrawal,
Aged about 28 years, Occ: Nil,
R/o. C/o Shri. Jalaj Sharma, Near
AgrasenBhavan, Durga Nagar,
Tumsar, Dist. Bhandara.

..APPLICANT

VERSUS

Shiva s/o Vishnuprakash Agrawal,
Aged about 32 years,
Occ: Business, C/o. Shri Vivek
Shriprakash Agrawal, Flat No.3,
Wing-A-3, Vrindavan Apartment,
Henssey Road, Civil Lines,
Nagpur.

..RESPONDENT

Mr K.S. Motwani, Advocate for applicant;
Mr Vivek Bharadwaj, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th MARCH, 2017

ORAL ORDER :

This is an application under Section 24 of the Code of Civil Procedure for transfer of the proceedings being Petition No. A-241 of 2016 pending on the file of Family Court at Nagpur to the Court of Civil Judge, Senior Division at Bhandara.

(2)

2. Out of matrimonial discord, various proceedings are initiated by the parties against each other, which are pending at Tumsar, District Bhandara, Nainpur in Madhya Pradesh and present proceedings.

3. Learned Counsel for the applicant would urge that the Apex Court in the *catena* of judgments has already ruled in favour of wife while entertaining the proceedings, particularly with matrimonial background, convenience of wife is required to be taken into account. He would then urge that as there is no Court of Civil Judge, Senior Division at Tumsar, prayer for transfer of the proceedings from Family Court, Nagpur to the Court of Civil Judge, Senior Division at Bhandara is made.

4. Per contra, learned Counsel for the respondent-husband would submit that the application lacks bonafide and is liable to be rejected on the ground that the applicant-wife is very much residing in Nagpur along with her

(3)

parents. So as to substantiate his plea, he has invited attention of this Court to the report submitted by Bailiff on notices ordered in the proceedings which are pending before the Family Court at Nagpur. In addition, according to him, the parties, after their marriage, lastly resided at Nainpur in Madhya Pradesh and claimed that the proceedings needs to be transferred to Bhandara is without any basis.

5. Having considered the submissions as are canvassed, it is required to be noted that the proceedings initiated under the provisions of Section 27(1)(d) of the Special Marriage Act for dissolution of marriage being proceedings No. A-246 of 2016 are pending on the file of Judge, Family Court, Nagpur, of which, transfer is sought at Bhandara.

6. It is then to be noted that place Bhandara, where the transfer is sought and the Court of Civil Judge, Senior Division is located, is almost at equal distance between Bhandara and

(4)

Nagpur. Apart from above, the fact remains that Bailiff report in the aforesaid proceedings speaks voluminous about the fact that the present applicant got notice of proceedings pending at Nagpur at itself from her mother, as respondent-husband has tried to serve notice on the applicant-wife at her Nagpur address.

7. In the aforesaid background, in my opinion, there is hardly any ground to be inferred from the factual matrix narrated herein above, which calls for exercising powers under Section 24 of the Code of Civil Procedure for transfer of the proceedings from Nagpur to Bhandara. The application sans merit and stands rejected.

(N.W. SAMBRE, J.)

Tupe