

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

MISC. CIVIL APPLICATION NO.887 OF 2017

APPLICANT :-

Preeti Badal Gajbhiye
Aged about 27 yrs, Occup. Household
R/o C/o Rajkumar Khobragade,
Sai Lay Out, Ward No.6, Parsioni.
Dist.Nagpur.

...VERSUS...

RESPONDENT :-

Badal Vasantaoji Gajbhiye
Aged about 35 years, Occup. Service.
R/o Mahatma Fule Nagar, Near Sai Mandir,
Saoner, Dist. Nagpur.
Presently at -C/O Sheshraoji Bavankule,
Pragati Colony, Railway Station Road,
Lane No.7,Bhandara City, Dist. Bhandara.

Ms. Ashwini R. Manare, counsel for the applicant.
Mr.P.S.Thawre, Mr.A.S.Gajbhiye, counsel for the respondent.

CORAM : M. S. KARNIK, J.

DATE : 15.06.2018.

O R D E R:

1. Rule. Rule returnable forthwith.
2. This is an application filed by the applicant-wife for transfer

of the Hindu Marriage Petition No.68 of 2017 from the Court of Civil Judge, Senior Division, Bhandara to the Civil Judge, Senior Division Nagpur. The marriage was solemnised on 10th February 2013 at Parsioni, Dist.Nagpur. The husband is residing at Bhandara. The wife left matrimonial home on 15th October 2015. She alleges cruelty. Out of the wedlock there is one son, who is three years of age. The son is residing alongwith applicant Priti.

3. The applicant has filed proceedings before the learned Judicial Magistrate, First Class, Parsioni under Section 12 of Protection of Women from Domestic Violence Act, bearing Cri. Misc. Appln. No.165 of 2015 and the same is pending. The respondent/husband Badal filed the present petition bearing Hindu Marriage Petition No.68 of 2017 in the Court of the Civil Judge Senior Division, Bhandara for Restitution of Conjugal Rights.

4. It is contended by the applicant that she has to look after her son, who is three years of age. It is very inconvenient for her to travel all the way to Bhandara as no proper convenient mode of transport is available. The only mode of transport available are

buses of State Transport Department and even the timings are not very convenient. According to her, she has to travel from Parsioni to Nagpur which is at a distance of 32 km and thereafter from Nagpur to Bhandara which is at a distance of 60 k.m.

5. The learned counsel for the respondent on the other hand contends that the applicant can conveniently travel to Nagpur as there is convenient mode of transport available from Parsioni to Bhandara. The applicant can always travel from Parsioni to Ramtek which is at a distance of 15 k.m and from Ramtek to Bhandara which is at a distance of 34 km. It takes approximately 2 hours travelling time by State transport buses and therefore there are adequate transport facilities are available.

6. In my opinion, the present application deserves to be allowed. The applicant has to look after her son, who is 3 years of age. Moreover, after the applicant filed proceedings under Domestic violence Act, in the year 2015, the respondent has now filed proceedings in the year 2017 for Restoration of Conjugal Rights. In my opinion travelling all the way to Bhandara to attend the Court proceedings by State Transport buses does not

appear to be convenient and the applicant will be put to various difficulties. On the contrary, it would be convenient for the applicant as well as the respondent to attend the Court proceedings at Nagpur, if the prayer of the applicant is granted.

7. In this view of the matter, in the interest of justice, this application is allowed and the Hindu Marriage Petition No.68 of 2017 pending on the file of Civil Judge Senior Division, Bhandara is transferred to the file of the Civil Judge Senior Division, Nagpur.

8. Rule made absolute in the aforesaid terms. No costs.

JUDGE