

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

MISC. CIVIL APPLICATION NO. 787/2017

Reshma Rajendra Rewatkar
..VS..
Rajendra Hirachand Rewatkar

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 16/04/2018

None appears for the non-applicant, though served.

Heard Shri A.D. Patil, Advocate for the applicant.

The applicant (wife) seeks transfer of the proceedings of Hindu Marriage Petition filed by the non-applicant (husband) and pending in the Court of Civil Judge, Senior Division, Wardha to the Court of Civil Judge, Senior Division, Umred.

The transfer of the proceedings is sought on the ground that the applicant (wife) is a patient of Insomnia and cannot travel alone without any escort and there is nobody in her family to escort her from village Bela where she is staying, to Wardha which is at distance of about 72 kilometers.

It is submitted that father of the applicant is a small agriculturist and is required to take care of applicant's two sisters. It is further submitted that the proceedings filed by the applicant (wife) under the Protection Of Women From Domestic Violence Act, 2005 are pending at Umred and if the proceedings of Hindu Marriage Petition are also transferred to

the Court at Umred, the non-applicant (husband) will not be put to any inconvenience.

At the time of hearing, the learned advocate for the applicant (wife) has submitted that distance between Bela to Umred is about 51 kilometers. It is further stated that the proceedings under the Act of 2005 are filed by the applicant (wife) after filing of Hindu Marriage Petition by the non-applicant (husband).

The applicant will have to travel 51 kilometers if the application is allowed and the proceedings are transferred to the Court at Umred. If the application is dismissed and the proceedings are not transferred, the applicant will have to travel 72 kilometers.

Considering the facts of the case, the prayer made by the applicant for transfer of Hindu Marriage Petition does not require any consideration.

The application is dismissed. No costs.

C.A.O. No. 722/2018

In view of dismissal of the miscellaneous civil application, this civil application seeking permission for amendment of the transfer petition does not survive. It is disposed accordingly. No costs.

JUDGE