

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

Misc. Civil Application (Tr) No.1048/2015
(Sau.Komal Jitendra Sharma .vs. Jitendra Mohanlal Sharma)

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

Court's or Judge's orders.

Mr.N.R. Tekade, Advocate for Applicant.
Mr. A.V. Bhide, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : February 16, 2018.

1. This is an application filed on behalf of the applicant (wife) under Section 24 of the Code of Civil Procedure, seeking transfer of divorce petition bearing H.M.P. No. 66/2015 filed by the respondent (husband) at Khamgaon to Hingoli, where the applicant is residing with her parents.

2. The marriage between the parties took place on 12.06.2012 but, thereafter, there were differences between the two, as a result of which the applicant was constrained to leave the matrimonial house and to reside with her parents at Hingoli. It is pointed out that the distance between the two places is about 300 kms. and it is extremely inconvenient for the applicant-wife to travel all the way to Khamgaon to attend the proceedings initiated by the respondent-husband in the Court of the Civil Judge, Senior Division, Khamgaon.

3. In these matters, the convenience of the wife is of paramount consideration. Mr. Tekade, learned counsel appearing on behalf of the applicant, has

pointed out that it would be extremely inconvenient for the applicant-wife to attend the proceedings in the Court at Khamgaon and that there is every possibility that an adverse order may be passed against her behind her back by the said Court due to her inability to attend the proceedings.

4. Mr. A.V. Bhide, learned counsel appearing on behalf of the respondent-husband, has objected to the grant of prayer in this application, pointing out that the respondent-husband is also a poor person and it would be difficult for him to attend to the proceedings if they are transferred to the Court at Hingoli.

5. As noted above, since the convenience of the wife is of paramount consideration in such cases and looking to the facts of the present case, I am of the opinion that this application deserves to be allowed in the interest of justice. Accordingly, this application is allowed and the divorce petition bearing H.M.P. No.66/2015 filed by the respondent-husband in the Court of the Civil Judge, Senior Division, Khamgaon, is transferred to the Court of Civil Judge, Senior Division, Hongoli. The Court at Khamgaon is directed to transmit the papers and entire record pertaining to the said case to the Court at Hingoli within a period of four weeks from today. Application is disposed of. No order as to costs.

JUDGE