

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 234 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. Nerissa Almeida I/b A.S. Khushrushahi
for the Applicant.

CORAM: K.K.TATED, J.
DATED : 26/08/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 Though, the Respondent is duly served, no one appeared on behalf of him, when the matter called out.

3 By this Misc. Civil Application, the Applicant wife under Section 24 of Code of Civil Procedure, 1908 seeking transfer of Petition No. A-203 of 2019 filed by Respondent husband under Section 27(1) (d) of the Special Marriage Act, 1954 for divorce before the Principal Judge Family Court, Nagpur to the Family Court at Bandra, Mumbai.

4 The learned Counsel for the Applicant submits that Applicant is housewife, she does not have any source of income. Hence,

it is very difficult for her to travel from Mumbai to Nagpur. She submits that the distance between Mumbai to Nagpur is more than 600 k.m., hence, it requires minimum 13 to 14 hours by train, so it is very difficult for the Applicant to attend the matter at Nagpur on each and every date. She submits that in the interest of justice, this Hon'ble Court be pleased to transfer the matter from Nagpur to Mumbai.

5 It is to be noted that Apex Court in the matter of *Sangeeta alias Shreya vs. Prasant Vijay Wargiya*, (2004) 13 SCC 407 and *Vandana Sharma vs. Rakesh Kumar Sharma* (2008) 11 SCC 768 held that convenience of wife is required to be seen at the time of transferring the matter from one court to another for hearing.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Misc. Civil Application and the law declared by the Apex Court in the matters of *Sangeeta alias Shreya vs. Prasant Vijay Wargiya and Vandana Sharma vs. Rakesh Kumar Sharma* (Supra), I am satisfied that the Applicant has made out a case for allowing the present Misc. Civil Application. Hence, following order is passed:

A. Misc. Civil Application is allowed in terms of prayer clause (a) which reads thus:

"(a) For an order transferring Petition No. A-203/2019 pending before the Hon'ble Family Court, Nagpur to the Hon'ble Family Court at Bandra, Mumbai."

B. Misc. Civil application stands disposed off accordingly. No order as to costs.

(K.K.TATED, J.)