

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

MISC. CIVIL APPLICATION NO. 362 OF 2019

(Smt. Aditi W/o Prashant Deshmukh **Vrs.** Prashant Vitthalrao Deshmukh)

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

Court's or Judge's Order

Mr. R.D. Khade, Advocate for applicant.
Non-applicant present in-person.

CORAM : PUSHPA V. GANEDIWALA, J.
DATED : NOVEMBER 18, 2019.

Heard.

2. This is an application filed by the applicant/wife under Section 24 of the Code of Civil Procedure praying for transfer of H.M.P. No. A-430/2018 pending on the file of the Family Court, Thane to the Family Court, Nagpur which was filed by the non-applicant/husband.

3. It is stated that the marriage between the parties was solemnized on 13/05/2007 at Nagpur. Out of this wedlock, they have one son, by name Aryan, aged around seven years, who is currently staying with the applicant.

4. It is stated that after marriage, both the parties resided together at Thane till February, 2018. After that, due to their matrimonial dispute, the applicant started living separately with her parents at Nagpur.

5. It is stated that the applicant has no source of income and is residing at the mercy of her parents. It is further stated that the applicant is finding it difficult to reach to the Court at Thane from Nagpur on each and every date by travelling distance of around 800 kilometers, she being a lady having seven years son and thus prayed for allowing the application.

6. I have considered the submissions put forth on behalf of the learned counsel for the applicant and perused the record.

7. The law by now stands well settled by a catena of decisions of the Hon'ble Supreme Court that in transfer petitions filed under Section 24 of the Code of Civil Procedure by the wife, the convenience of wife has to be considered.

8. Considering the aforesaid facts and circumstances of the case, this Court is of the opinion that a strong case for allowing the instant application is made out and it is accordingly allowed in terms of prayer clause (i).

9. The miscellaneous civil application is accordingly stands disposed of.

JUDGE