

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

MISC. CIVIL APPLICATION NO.472 OF 2019.

(Mrs.Jayshree w/o Milind Gabhane, Pune Vs. Milind Mahadeo Gabhane, Tq.Achalpur,
District Amravati.)

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

Court's or Judge's orders.

Shir N.Majithia, Advocate for the applicant.
None for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 15, 2019.

Heard.

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. 13/2019 pending on the file of the Civil Judge, Senior Division, Achalpur to the Family Court, Pune.

It is stated that the marriage between the parties was solemnized on 24/01/2015 at Nagpur. After marriage, as the non-applicant was residing at Pune in pursuance of his job, they both started residing at Pune. Out of this wedlock, they have one daughter, by name Arohi, who is currently staying with the applicant.

It is stated that after marriage, the non-applicant used to give ill treatment to the applicant and also is in a habit of quarreling with her under the

influence of liquor so also he was not taking care of their daughter properly and therefore, the applicant has filed a petition under Section 12 read with Sections 17, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence, Act, 2005 before the Court of the Judicial Magistrate First Class, Pimpri-Chinchwad, Pune, which is pending consideration.

It is stated that to counter the petition filed by the applicant, the non-applicant has also filed a petition under Section 9 of the Hindu Marriage Act, 1955 before the Civil Judge, Senior Division, Achalpur, District Amravati for restitution of conjugal rights. It is this petition which is prayed to be transferred in the present application.

It is further stated that the applicant is finding it difficult to reach to the Court at Achalpur on each and every date by travelling distance of around 500 kilometers, she being a lady having two years daughter and thus prayed for allowing the application.

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

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.

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 (b).

The Civil Application is accordingly stands disposed of.

JUDGE