

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

MISC. CIVIL APPLICATION (MCA) NO. 692 OF 2018

(Sau. Vaishali w/o Abhijit Rathod vs. Abhijit s/o Pravinsingh Rathod)

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

Court's or Judge's orders.

Shri D.R. Khapre, Advocate for the applicant.
Shri Manish S. Gupta, Advocate for the non-applicant.

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CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 11, 2019.

Heard the learned counsel for the
respective parties.

This is an application under Section 24 of
the Civil Procedure Code for transfer of Petition No.
A-251/2018 from the Family Court No. 4, Nagpur to
Family Court at Akola.

The transfer is sought on the ground of
hardship, she being lady and there is no one at her
parental house at Akola to escort her to the Court at
Nagpur. The applicant states that her father is
suffering from cirrhosis of liver with mild
splenomegally and other diseases and he is bed
ridden and her grand father is of 75 years of age.
The distance between Nagpur and Akola is around
250 kms. She states that she is also suffering from

travel sickness like vomiting etc.

The non-applicant in his written submissions opposed the application and submitted that the non-applicant is ready to bear travel expenses for her and her escort.

The learned counsel appearing on behalf of the non-applicant relied on the judgment of the Hon'ble Apex Court in the case of Kalpana Deviprakash Thakar (Smt.) vs. Dr. Devi Prakash Thakar, reported at (1996) 11 SCC 96.

I have heard and considered the submissions on behalf of both the parties.

At the outset, the grounds raised for transfer of Hindu Marriage Petition are acceptable so as to infer hardship that would be caused to the applicant – wife.

As against this, the learned counsel for the non-applicant could not point out any fact of hardship which could be caused to the non-applicant – husband, if the prayer as sought in this application is granted.

The facts in the judgment of the Hon'ble Apex in the case of Kalpana Deviprakash Thakar (Smt.) vs. Dr. Devi Prakash Thakar, (supra), with due respect, would not be applicable to the facts of present case as the non-applicant in that case was Doctor by profession and to avoid hardships to the

patients, the transfer of the petition was not allowed.

For the reasons aforesaid, I am inclined to allow the present application and the same is allowed and disposed of. However, there shall be no order as to costs.

JUDGE

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