

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

MISC. CIVIL APPLICATION NO.792 OF 2019.

(Sau.Ashwini Rajeshwar Daigavhane, Nagpur Vs. Shri Rajeshwar Jangaluji Daigavhane, Wardha.)

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

Court's or Judge's orders.

Shir A.K.Gour, Advocate h/f Shri Y.B.Mandpe, 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. 215/2019 pending on the file of the Civil Judge, Senior Division, Wardha to the Principal Judge, Family Court, Nagpur.

It is stated that the marriage between the parties was solemnized on 03/05/2009. Out of this wedlock, they have one son, by name Jayesh, aged around nine years, who is currently staying with the applicant.

It is stated that both the parties lastly resided together at Wardha. Since February, 2019, due to their matrimonial dispute, the applicant started living separately in Nagpur.

It is further 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 not in a position to travel alone and engages services of the counsel, she being an unemployed lady having one son, aged around nine years. It is further stated that the applicant is finding it difficult to reach to the Court at Wardha from Nagpur on each and every date by spending Rs.700/- per trip 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 (a).

The Civil Application accordingly stands disposed of.

JUDGE