

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

MISC.CIVIL APPLICATION (MCA) NO.963 OF 2019

(Anjusha w/o Avinash Raut & Anr. Vs. Avinash s/o Babasaheb Raut, Nagpur)

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

Court's or Judge's orders.

Shri N.L.Jaiswal, Advocate (appointed) for the
applicants.
Shri A.S.Band, Advocate for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 10, 2019.

Heard.

This is an application filed by the applicant/wife under Section 24 of the Code of Civil Procedure, 1908 for transfer of H.M.P.No.288/2018 which is pending on the file of 3rd Joint Civil Judge, Senior Division, Nagpur to the Competent Court at Pune.

Transfer is sought on the ground that the applicant/wife is staying at Pune with her parents. She has no source of income. Her father is a Taxi-driver and her Uncle is a physically disabled person. The distance between Pune and Nagpur is around 800 Kimometers.

It is submitted that the non-applicant/husband filed divorce petition before the Court at Nagpur, as he got transferred from Pune to Koradi, District Nagpur. However, the parents of the non-applicant are staying at Pune.

It is further alleged that non-applicant forcibly taken their son – Arnav from the custody of applicant/wife and kept with his parents at Pune. He has to frequently visit Pune to visit his parents and son.

The non-applicant resisted the application mainly on the ground that he is serving in a Koradi Power Station and his services require 24 hours attention and he has limited number of casual or earned leave.

I have considered the submissions put forth on behalf of both the parties.

At the outset, in transfer petitions, inconvenience of wife is to be seen.

In the instant case, it is not disputed that the parents and son of the non-applicant are staying at Pune. The applicant/wife is also staying at Pune with parents. The marriage between the parties was solemnized at Pune. The non-applicant is at Nagpur for his job purpose. Though, the parties last resided at Nagpur, however, it appears that the Courts at Pune would be more convenient to both the parties and for trial purposes too.

With regard to non-applicant's job responsibility, there is nothing on record to show that the non-applicant has the sole responsibility to look

after 24 hours power supply and maintenance.

For the reasons aforesaid, I am inclined to allow the application and the same is accordingly allowed. H.M.P.No.288/2018 which is pending on the file of 3rd Joint Civil Judge, Senior Division, Nagpur is withdrawn and transferred to the Competent Court at Pune.

The Civil Application accordingly stands disposed of. No costs.

Fees of the Advocate (appointed) to represent the applicants be paid as per the Rules.

JUDGE