

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

MISC. CIVIL APPLICATION NO. 905 OF 2019.

(Sau. Minal w/o Shankar Wanjari, Wardha Vs. Shankar s/o Santoshrao Wanjari, Nagpur)

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

Court's or Judge's orders.

Shri P.S. Kadam, Advocate for the applicant.
Shri L.B. Janbandhu, Advocate for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 05, 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. 46/2019 pending on the file of the Civil Judge, Senior Division, Umred to the Civil Judge, Senior Division, Wardha, which was filed by the non-applicant/husband.

It is stated that the applicant is suffering from anemia and due to weakness, she is advised for not to travel. The economical condition of the applicant is very poor and she is totally dependent on her parents. It is further stated that the distance between Umred and Wardha is more than 150 kilometers and the applicant is not in a position to travel alone and engages services of the counsel and thus prayed for allowing the application.

On the contrary, the non-applicant

opposing the application submits that he is working as a Labour in WCL, Umred and therefore, to attend the Court proceedings, he has to take leave which are very limited and thus prayed for rejection of the application.

I having considered the submissions put forth on either side and perused the record.

At the outset, the learned counsel for the non-applicant could not point out any other hardship to the non-applicant except that he is working as a Labour and he has very limited leaves. 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