

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

MISC. CIVIL APPLICATION NO. 940 OF 2019.

(Utkarsha w/o Piyush Nandanwar, Nagpur Vs. Piyush Sudhakar Nandanwar, Thane.)

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

Court's or Judge's orders.

Shri I.S.Charlewar, 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. 730/2019 pending on the file of the Civil Judge, Senior Division, Kalyan to the Court of the Principal Judge, Family Court, Nagpur which was filed by the non-applicant/husband.

It is stated that the marriage between the parties was solemnized on 11/06/2017 at Nagpur. After marriage, the applicant started residing with the non-applicant at Kalyan, however, since March, 2018, due to their matrimonial dispute, they are residing separately.

It is further stated that the applicant has filed petition for divorce under Section 13(i)(i-a) of the Hindu Marriage Act, 1955 before the Family

Court, Nagpur bearing registration No.A-28/2019. The applicant has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Judicial Magistrate First Class, Nagpur which came to be registered as Misc. Criminal Application No.2579/2019.

It is further stated that the applicant has no source of income and she is staying at the mercy of her father. It is further stated that the distance between Nagpur to Kalyan is more than 800 kilometers and the applicant is not in a position to travel alone and engages services of the counsel. On the contrary, the non-applicant is attending the proceedings which have been initiated by the applicant in the Courts at Nagpur 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 (i).

The Civil Application is accordingly stands disposed of.

JUDGE

Sumit