

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

MISC. CIVIL APPLICATION NO. 966 OF 2019.

(Roshni w/o Pradip Gadekar, Buldhana Vs. Pradip Vasantrao Gadekar, Washim.)

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

Court's or Judge's orders.

Shri R.S.Kurekar, 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. 142/2015 pending on the file of the Civil Judge, Senior Division, Washim to the Court of the Civil Judge, Senior Division, Buldhana which was filed by the non-applicant/husband.

It is stated that the marriage between the parties was solemnized in the month of June, 2009 at Washim. Out of this wedlock, they have one daughter, by name Harshada, aged around six years, who is currently staying with the applicant.

It is stated that after marriage, both the parties resided together at Washim till September, 2015. After that, due to their matrimonial dispute, the applicant started living separately with her

parents at Buldhana.

It is 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 finding it difficult to reach to the Court at Washim from Buldhana on each and every date by travelling distance of around 200 kilometers, she being a lady having six years daughter 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