

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

MISC. CIVIL APPLICATION NO. 624 OF 2019

(Sau. Suwarna w/o Pawan Jadhao **Vrs.** Pawan s/o Shankarrao Jadhao)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Mardikar, Advocate for applicant.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- DECEMBER 22, 2020.

Heard.

2. This is an application by the applicant wife under Section 24 of the Code of Civil Procedure for transfer of divorce petition filed by the non-applicant / husband bearing H.M.P No. 61/2018 from the Court of Civil Judge, Senior Division, Pusad to the Family Court, Amravati on the ground that other proceedings are pending in the Court at Amravati and the applicant is also residing with the parents at Amravati and the non-applicant is serving in Pune while the H.M.P No. 61/2018 is filed in the Court at Pusad. The distance between Amravati and Pusad is around 140 kilometers and the applicant / wife would not be able to travel as she has no source of income and she is facing economic hardship also.

3. The law is 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.

4. For the reasons aforestated, this Court is inclined to allow the application and the same is accordingly allowed in terms of prayer clause (i).

5. The H.M.P No. 61/2018 pending on the file of Civil Judge, Senior Division, Pusad is withdrawn and transferred to the file of Family Court, Amravati.

JUDGE

D.S. Baldwa