

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

MISC. CIVIL APPLICATION NO. 1113 OF 2019
(Sau. Neha w/o Yogesh Verma **Vrs.** Shri Yogesh s/o Ashok Verma)

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

Court's or Judge's Order

Shri U.K. Bisen, Advocate for the applicant.
Shri A.A. Bambal, Advocate for respondent.

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 07, 2020.

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. 82/2019 pending on the file of the Family Court, Nagpur to the Court of the Civil Judge, Senior Division, Gondia which was filed by the non-applicant/husband on the ground that the distance between Nagpur and Gondia is around 170 kilometers and the applicant / wife would not be able to manage to travel as she is residing with her parents and the applicant / wife has already filed one petition under the Protection of Women from Domestic Violence Act, 2005 for maintenance and the appeal against the order of maintenance is pending on the file of Sessions Court, Gondia.

The applicant prays to transfer of the petition on the ground of her convenience.

Shri Bambal, learned counsel for the respondent orally opposed the application on the ground that she is an educated lady and she can travel alone.

I have considered the submissions made on behalf of both sides.

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 distance i.e. 170 kilometers for which around more than three hours journey is required, this Court is inclined to allow the application and the same is accordingly allowed in terms of prayer clause (ii).

The H.M.P No. A-82/2019 pending on the file of Family Court, Nagpur is withdrawn and transferred to the file of Civil Judge, Senior Division, Gondia.

JUDGE

D.S. Baldwa