

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

MISC. CIVIL APPLICATION NO. 41 OF 2021

(Mrs. Aishwarya Mahesh Akewar Vs. Mr. Mahesh Ramesh Akewar)

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

Court's or Judge's Order

Ms. N.V. Chandak, Advocate for the applicant.
Shri A.P. Tathod, Advocate for the non-applicant.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- OCTOBER 07, 2021.

Heard.

2. By way of this application, the applicant/wife is seeking transfer of H.M.P. No.163/2020 which is pending on the file of the Civil Judge, Senior Division, Washim to the Court of Civil Judge, Senior Division, Kelapur, District Yavatmal.

3. It is stated that the marriage between the parties was solemnized on 14/02/2020 as per Hindu rites and customs. Due to the marital discord between the parties, they are residing separately since September, 2020.

4. The non-applicant/husband has filed aforesaid petition for annulment under Section 12 of the Hindu Marriage Act, 1955 before the Court at Washim.

5. It is further stated that she is staying at her parental house at their mercy. She is also suffering from mental trauma owing to the physical and mental harassment caused by the non-applicant/husband.

6. Shri Tathod, learned counsel appearing for the non-applicant/husband opposed the petition on the ground that the reasons as mentioned for transfer in the petition are not satisfied.

7. I have considered the rival submissions.

8. The transfer of the aforesaid petition is sought on the ground that the distance between the two cities is around 260 kilometers and the applicant/wife is finding it difficult to attend the proceedings as she has no source of income, there is no direct transport facility and she is residing at the mercy of her old aged parents.

9. Considering the reasons as demonstrated in the application, in the opinion of this Court, the case for transfer is made out. In this context, the Hon'ble Supreme Court in the case of **Mona Aresh Goel Vs. Aresh Satya Goel** reported in **AIR 2000 SC 3512** allowed the transfer petition filed by the wife considering the hardships she was facing in attending the court's proceedings.

10. Considering the aforesaid, the application is allowed in terms of prayer clause (i).

11. The H.M.P No.163/2020 which is pending on the file of the Civil Judge, Senior Division, Washim is

withdrawn and transferred to the Court of Civil Judge,
Senior Division, Kelapur, District Yavatmal.

12. The Civil Application is accordingly stands
disposed of.

JUDGE

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