

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

MISC. CIVIL APPLICATION NO. 09 OF 2021.
(Sau. Veena Umesh Pawar Vs. Umesh Ramlal Pawar)

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

Court's or Judge's orders.

Shri S.A. Mohta, Advocate for the applicant.
Shri Zoher Shakir, Advocate h/f Shri R.S. Suryawanshi,
Advocate for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 24, 2021.

Heard.

2. By way of this application, the applicant/wife is seeking transfer of H.M.P. No.1141/2018 which was filed by the non-applicant/husband which is pending on the file of the Civil Judge, Senior Division, Pune to the Civil Judge, Senior Division, Akola.

3. It is stated that the marriage between the parties was solemnized on 10/04/2010 at Barshitakli, District Akola and the couple is blessed with two children out of the said wedlock, now in the custody of the applicant/wife.

4. It is stated that the applicant, due to marital disharmony, is residing with her her parents' house since November, 2017.

5. It is further stated that the applicant has filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 i.e. Petition No.113/2019 before the court at Akola so also an application for maintenance under Section 125 of the Code of Criminal Procedure was filed before the Judicial Magistrate First Class, Barshitakli, District Akola and a criminal case for the offence punishable under Sections 498A, 323 and 504 read with Section 34 of the Indian Penal Code is also pending against the applicant.

6. It is stated that the applicant/wife is facing hardships as she has to maintain her two minor children and at present she is residing at her parents' house at their mercy and she has no source of income. It is further stated that the distance between Akola to Pune is more than 500 kilometers and there is no direct railway connection from Barshitakli to Pune and, therefore, she is finding it difficult to reach the Court at Pune from Barshitalki on each and every date. On the contrary, the non-applicant/ husband is attending the aforesaid proceedings at Akola, and, therefore, it would be convenient for the non-applicant to attend both the proceedings at Akola.

7. Learned counsel for the non-applicant/husband strongly opposed the prayer in the application.

8. Considering the reasons as demonstrated above, a case for transfer is made out and accordingly the application is allowed.

9. The H.M.P. No.1141/2018 which is pending on the file of the Civil Judge, Senior Division, Pune is withdrawn and transferred to the Civil Judge, Senior Division, Akola.

10. The Civil Application is accordingly stands disposed of.

JUDGE