

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

MISC. CIVIL APPLICATION NO. 55 OF 2021.

(Mrs. Deepali w/o Anil Kene Vs. Shri Anil s/o Narayanrao Kene)

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

Court's or Judge's orders.

Shri N.Y. Lade, Advocate for the applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 11, 2021.

Heard.

2. 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. 146/2020 pending on the file of the Civil Judge, Senior Division, Wardha to the Court of the Civil Judge, Senior Division, Nagpur which was filed by the non-applicant/husband.

3. I have heard Shri Lade, learned counsel appearing for the applicant. None appeared for the respondent, despite due service.

4. It is stated that the marriage between the parties was solemnized on 30/11/2013 at village Adasa, Tah. Saoner, District Nagpur. Out of this wedlock, they have one daughter, who is currently staying with the applicant. Due to the marital

discord between the parties, the applicant started living separately with her parents.

5. Transfer is sought on the ground that the applicant is finding it difficult to reach to the Court at Wardha from village Saoner on each and every date, she being a lady having minor daughter and thus prayed for allowing the application.

6. In the application, the applicant has also alleged about physical and mental harassment at the hands of the non-applicant and his family members.

7. Despite due service, the non-applicant/husband preferred not to appear before this Court. It appears that the non-applicant/husband has no objection if the petition is transferred to the Court at Nagpur.

8. Considering the hardships which is being faced by the applicant, as stated above, the prayer in this application needs to be granted.

9. In this context, it would be useful to refer to the judgment of the Hon'ble Supreme Court in the case of Mona Aresh Goel Vs. Aresh Satya Goel reported in AIR 2000 SC 3512 where in the transfer petition filed by the wife was allowed, considering the hardships she was facing in attending the court's proceedings.

10. For the above reasons, in the considered view of this Court, a case for transfer of the marriage petition is made out. The application is allowed in terms of prayer clause (a).

11. The Civil Application is accordingly stands disposed of.

JUDGE

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