

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

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MISCELLANEOUS CIVIL APPLICATION (Tr) NO. 90/2020

Smt. Aawadti w/o Amol Dangale
Aged about 23 years, occu: NIL
R/o C/o Shri Narendraji Kute
Village Kajalsara, Tah.Hinganghat Dist. Wardha ..**APPLICANT**

v e r s u s

Shri Amol S/o Dhurvechand Dangale
Aged 27 years, occu: private
R/o Plot No. 38, More layout
behind Datt Mandir, Umred Road,
Nagpur. **..RESPONDENT**
(Non-Applicant)

.....
Mr. N. V. Fulzele, Advocate for the applicant
Mr J.C. Shukla, Advocate for Respondent
.....

CORAM: MRS.SWAPNA JOSHI, J.
DATED : 25th June, 2021

ORAL JUDGMENT:

1. **Rule.** Rule is made returnable forthwith. Heard finally.
2. By this Application, the applicant seeks transfer of Petition No. A-1420/2019 instituted by the respondent-non applicant, pending on the file of Family Court, Nagpur to the Court of learned Civil Judge, Sr. Dn. Hinganghat.

3. The marriage between the applicant and non-applicant was solemnized on 13.05.2019 at Hinganghat, as per the rites and customs prevalent in their community. After the marriage, the applicant-wife started co-habiting with the respondent-husband at her matrimonial house at Nagpur. The non-applicant has decided not to live with the applicant and filed petition u/s 10 of the Hindu Marriage Act, 1955 for judicial separation against the applicant in the Family Court No.1 Nagpur bearing petition No.A-1420/2019.

4. The learned Advocate for the applicant vehemently contended that at present the applicant-wife resides with her parents at village Kajalsara Tq. Hinganghat, which is about 65 kms away from Nagpur. It is submitted that the applicant-wife finds it difficult to attend those proceedings at Nagpur every now and then since village Kajalsara is a remote village having scanty transport facility.

5. The learned Advocate for the respondent vehemently opposed the Application.

6. It is well settled by now that convenience of the wife is to be considered and, as such, it would be just and proper to transfer Petition No. A-1420/2019 from Nagpur to Hinganghat.

7. The Hon'ble Apex Court in the case of Sumita Singh vs. Kumar Sanjay and another, reported in AIR 2002 SC 396 has observed

that the wife's convenience must be considered in matrimonial proceedings, particularly when the husband has filed the petition against her. In view of the facts and circumstances of the case, following order is passed:-

ORDER

- i) Misc. Civil Application No. 90/2020 is allowed.
- ii) The proceedings bearing Petition No.A-1420/2019 pending on the file of Family Court, Nagpur stands transferred to learned Civil Judge, S.D., Hinganghat.
- iii) Parties to appear before the Court of learned Civil Judge, Sr. Dn., Hinganghat on 3rd July, 2021.
- iv) Rule is made absolute in aforesaid terms. There shall be no order as to costs.

JUDGE

sahare