

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

MISC.CIVIL APPLICATION (MCA) NO. 100 OF 2019

(Shubhangi w/o Rahul Ingle, Amravati Vs. Rahul s/o Ramesh Ingle, Katraj, District Pune)

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

Court's or Judge's orders.

Shri Bhushan Dafle, Advocate for the applicant.
Shri M.D. Lakhey, Advocate for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 04, 2021.

Heard.

2] This is an application filed by the applicant/ wife under Section 24 of the Code of Civil Procedure for transfer of H.M.P. No. 1544/2018 which is pending on the file of Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Amravati.

3] It is stated that the marriage of the applicant/ wife with the respondent/ husband was solemnized on 30/06/2017 at Dhamangaon Railway, District Amravati. It is further stated that the respondent/ husband is an Engineer and working in Tech Mahindra Company at Pune and drawing a handsome salary. That due to marital discord between the parties, on 18/11/2018, the applicant/ wife came to her parents house at Dhamangaon Railway and since then she is residing there. The attempt for settlement of their dispute went futile.

The respondent/ husband filed a petition for divorce, i.e., H.M.P. No. 1544/2018 before the Civil Judge, Senior Division, Pune.

4] The applicant/ wife sought the aforesaid proceedings to be transferred from the Court at Pune to the Court at Amravati mainly on the ground that she is not having any source of income and she is constrained to live at the mercy of her parents. It is further stated that the father of the applicant/ wife has already expired and she is finding it difficult to attend the Court proceedings at Pune, which is at a distance of around 592 kilometers from her parents' house at Dhamangaon Railway. It is further stated that if the aforesaid proceedings are transferred to the Court at Amravati, which is at a distance of around 45 kilometers from her parents place at Dhamangaon Railway, it would be possible for her to attend the proceedings.

5] Shri Lakhey, learned counsel for the respondent/ husband, opposed the prayer and submitted that the applicant/ wife has failed to make out a case for transfer and thus prayed for dismissal of the application.

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

7] Considering the grounds of transfer, i.e., distance between the two cities, i.e., 592 kilometers, she has no source of income, she is residing at the

mercy of her parents, her father is no more and her brother is looking after the family affairs, so also considering the law laid down by the Hon'ble Supreme Court in the case of **Mona Aresh Goel Vs. Aresh Satya Goel**, reported in **AIR 2000 SC 3512** so also in the case of **Lalita A. Ranga Vs. Ajay Champalal Ranga**, reported in **AIR 2000 SC 3406** that in transfer petitions, the hardship which the wife is facing, is to be considered, I am inclined to allow the application, and the same is accordingly allowed. H.M.P No. 1544/2018 which is pending on the file of Civil Judge, Senior Division, Pune is withdrawn and transferred to the Court of Civil Judge, Senior Division, Amravati

8] The Civil Application accordingly stands disposed of. No costs.

JUDGE