

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

MISC. CIVIL APPLICATION NO. 235 OF 2020

Sau. Savita Ramakant Kamalkar

Vs.

Ramakant Dattur Kamalkar

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

Shri A.S. Chakotkar, Advocate for applicant.

Shri S.S. Sahu, Advocate for non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : 3rd AUGUST, 2021.

Heard.

(2) By way of this application under Section 24 of the Code of Civil Procedure, 1908, the applicant-wife is seeking transfer of proceedings bearing Hindu Marriage Petition No.170 of 2018, filed by the non-applicant-husband, pending on the file of learned Civil Judge Senior Division, Buldhana to the file of learned Civil Judge Senior Division, Jalna.

(3) Learned counsel for applicant submitted that applicant is residing with her parents at village Tembhorni of District Jalna and for attending the aforesaid proceedings, she is required to take a journey of 65 kms and that too with the aide of her brother as she is not physically and mentally fit to travel alone. It is further stated that she has no independent source of income and she is facing hardships in attending the aforesaid proceedings which is pending in the Court at Buldhana.

(4) Per contra, learned counsel for non-applicant submitted that the distance between Tembhurni to Buldhana is hardly 65 Kms. and Tembhurni to Jalna is 44 Kms. Therefore, the learned Counsel submitted that the applicant can travel 65 Kms distance to attend the proceedings at Buldana. The learned counsel further submitted that if H.M.P No.170 of 2018 is transferred to Jalna she has to attend another proceeding bearing D.V. Case No.44 of 2018, which is filed by mother-in-law of the applicant under Domestic Violence Act, 2005 at Buldana. Further, the non-applicant is ready to pay traveling charges to applicant-Savita.

(5) I have considered the submissions on behalf of both the sides. At the outset, it makes hardly any difference if the applicant has to travel for 65 kms. to attend the divorce proceedings before the Court in Buldhana or to travel for 45 kms to attend the proceedings before the Court in Jalna. In any case she has to take a travel as she is residing in the village Tembhurni in Jalna District. Secondly, it is informed by the learned Counsel for the non-applicant/husband that presently, the minor daughter of the couple is in the custody of the non-applicant/ husband who is working as an Assistant-Teacher. It is submitted that he has to look after his job and the child. This indicates, the balance of the hardship is tilting in favour of the husband. The financial crises which the wife is facing to attend the proceedings can be overcome by issuing suitable directions to the non-applicant/husband.

(6) In view of above, the applicant has not made out the case for transfer of Hindu Marriage Petition No.170 of 2018 to learned Civil Judge Senior Division, Jalna. Hence, the application is rejected.

(7) The non-applicant-Ramakant Dattu Kamalkar is directed to pay Rs.1,000/- per Court visit in the aforesaid proceedings to applicant-Savita Ramakant Kamalkar towards traveling charges with escort.

(8) The application stands disposed of.

JUDGE

Wagh