

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

...

MISCELLANEOUS CIVIL APPLICATION (Tr) NO. 197/2020

Sau. Anjali w/o Sudhir Pusadkar
Aged about 40 years, occu: Housewife
R/o C/o Vinayak Shyamrao Kawade
Asish Colony Swastiknagar
Amravati Tah. & District:Amravati-444607 ..APPLICANT

v e r s u s

Mr. Sudhir s/o Sharadrao Pusadkar
Aged about 45 years, occu: Govt.Service (Teacher)
R/o Plot No.2, Vibhuraam Apartment
Near Mahalaxmi Temple
5th floor, Dharampeth House
Development Society
Jayprakash Nagar,
Nagpur 440 025.
(Police Station Sonagaon, Nagpur) ..RESPONDENT
(Non-Applicant)

.....
Mr. Pankaj Navlani, Advocate for the applicant
Mr. A.S. Pande, Advocate for Respondent
.....

CORAM: MRS.SWAPNA JOSHI, J.
DATED : 1st July, 2021

ORAL JUDGMENT:

1. **Rule.** Rule is made returnable forthwith. Heard finally, with the consent of learned Advocates appearing for respective parties.

2. By this Application, the applicant seeks transfer of Petition No. A-1158/2018, instituted by the respondent-non applicant, pending on the file of Principal Judge, Family Court, Nagpur to Family Court at Amravati.

3. The marriage between the parties was solemnized on 25th January, 2007 at Amravati, as per Hindu rites and customs. After the marriage, the respondent-husband and his family started harassing the applicant. On 6th August, 2017 the respondent had thrown away the applicant out of the house. It is submitted that the applicant is having a son aged about 11 years. The applicant has filed an application under the provisions of Domestic Violence Act in the court of learned JMFC Amravati and the respondent-husband is attending those proceedings. It is further submitted that it would be most inconvenient for the applicant to travel and appear every now and then in the said proceeding. The distance from Amravati to Nagpur is around 150 kms which would cause great hardship to her and as such, it is requested that the proceedings be transferred to Amravati.

4. The learned Advocate for the respondent-husband vehemently opposed the application.

5. 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-1158/2018 from Nagpur to Amravati.

6. 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. 197/2020 is allowed.
- ii) The proceedings bearing Petition No. A-1158/2018 pending on the file of Principal Judge, Family Court, Nagpur stands transferred to Family Court at Amravati.
- iii) Parties to appear before the Family Court, Amravati on 14th July, 2021.
- iv) Rule is made absolute in aforesaid terms. There shall be no order as to costs.

JUDGE