

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

MISC. CIVIL APPLICATION NO. 212 OF 2019.
(Sau. Varsha w/o Ravi Kukade Vs. Ravi s/o Ramrao Kukade)

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

Court's or Judge's orders.

Shri N.R. Tekade, Advocate for the applicant.
Shri C.A. Joshi, Advocate for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 18, 2021.

Heard.

2. The applicant/wife is seeking transfer of Petition No.A-283/2018 which is pending on the file of the Family Court, Amravati to the Family Court, Akola.

3. It is stated that the marriage between the parties was solemnized on 06/06/2009 at Akola as per Hindu rites and customs. Out of this wedlock, they have one daughter aged about seven years. The daughter is in the custody of the applicant/wife. It is alleged that due to marital disharmony, the applicant has left the company of the non-applicant/husband. She is residing at her parents' house alongwith her daughter at their mercy. She has no independent source of income.

4. The applicant states that she has already filed a proceeding for maintenance before the Court at Akola and the non-applicant/husband is attending it. The applicant further states that she is finding it difficult to attend the proceedings at Amravati as there is no direct route to reach the destination and she has to take her daughter with her as there is no male member in her parents' house to accompany her.

5. It is alleged that only to harass the applicant, the aforesaid proceeding came to be filed by the non-applicant/husband.

6. Learned counsel for the non-applicant/husband opposed the relief as sought in the application, however, could not convince this Court that the non-applicant/husband would face greater hardships in attending the proceedings at Akola, in case the petition is transferred.

7. Considering the hardships which is being faced by the applicant/wife, in the opinion of this Court, the convenience of the wife and daughter is to be given preference than the convenience of the husband.

8. The Hon'ble Supreme Court in the case of **Mona Aresh Goel Vs. Aresh Satya Goel** reported in **AIR 2000 SC 3512** allowed the transfer petition filed

by the wife considering the hardships she was facing in attending the court's proceedings.

9. In this view of the matter, a case for transfer of the petition is made out and the same is accordingly allowed. The petition No.A-283/2018 which is pending on the file of the Family Court, Amravati is withdrawn and transferred to the Family Court, Akola.

10. The Civil Application is accordingly stands disposed of.

JUDGE