

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

MISC. CIVIL APPLICATION NO.336 OF 2021

Sau. Sweta w/o Vijay Rughwani,
Aged about 36 years,
Occupation-Nil,
R/o. C/o. Anil K. Kahurke,
Sudarshan Nagar, P/o. Manas Mandir,
W. No.5, Wardha, Tahsil and District-
Wardha (Maharashtra State). .. Applicant

.. Versus ..

Shri Vijay s/o Devendra Rughwani,
Aged about 43 years,
Occupation-Professor,
R/o. 43, Wasekar Layout, Akashwani Road,
Chandrapur, Tahsil and District-
Chandrapur (Maharashtra State). .. Non-
Applicant

.....

Mr Dangre, Advocate for the applicant,
Mr Alone, Advocate for the non-applicant.

.....

CORAM : N.B. SURYAWANSHI, J.
DATED : 11.10.2021.

JUDGMENT

1. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. By this application filed under section 24 of the Code of Civil Procedure, the applicant-wife seeks transfer of matrimonial proceedings i.e. Hindu Marriage Petition No.426/2019 filed by the non-applicant-husband from the Court of Civil Judge, Senior Division, Chandrapur to the court of Civil Judge, Senior Division, Wardha.

4. In the year 2013, marriage between the applicant-wife and the non-applicant-husband was solemnized. Marital discord occurred in the year 2016 and since then, the wife along with minor son is staying with her parents at Wardha. Criminal M.A. No.245 of 2017 is filed by the wife in the Court of Chief Judicial Magistrate at Wardha, which is at the stage of evidence. PWDVA Appeal No.965 of 2019 filed by the husband in the

Court of Principal District Judge, Wardha is pending at the stage of hearing. Criminal M.A. No.7328 of 2019 filed by the wife under section 125(3) of the Code of Criminal Procedure is pending in the Court of 2nd Joint Civil Judge, Junior Division and J.M.F.C., Wardha. The wife contends that for attending the proceeding i.e. Hindu Marriage Petition No.1801 of 2019 filed under section 13(1)(i-a) of the Hindu Marriage Act by the husband, she has to travel to Chandrapur along with her minor son and with one male relative at Chandrapur. She therefore contends that since the husband is attending the proceedings filed by her at Wardha, the proceedings filed by the husband at Chandrapur be transferred to Wardha.

5. The husband has opposed the prayer of the wife by filing a reply. The learned Advocate for the husband submitted that presently the husband is admitted in rehabilitation centre and is not able to attend the matters pending in the court at Wardha.

6. In the matters of transfer of matrimonial proceedings it is a settled legal position that the convenience of the wife is to be looked into, as is held by the Hon'ble Supreme Court in

Sangeeta alias Shreya v. Prasant Vijay Wargiya, reported in **(2004) 13 SCC 407**. Taking into consideration the facts of the present case, it is inconvenient for the wife to travel from Wardha to Chandrapur for attending the matter with minor son and a male relative. Her parents are ill, infirm and unable to accompany her to Chandrapur for attending the matter. The husband is attending the proceedings filed by the wife at Wardha.

7. In that view of the matter, the application deserves to be allowed and the same is hereby allowed. The Hindu Marriage Petition No.426 of 2019 pending in the Court of Civil Judge, Senior Division, Chandrapur is hereby transferred to the Court of Civil Judge, Senior Division, Wardha.

Rule is made absolute in the above terms. No costs.

(N.B. Suryawanshi, J.)