

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

Misc. Civil Application No.366 of 2020

Smt. Pallavi Aashutosh Karnewar,
Aged about 30 years,
Occupation – Household,
R/o C/o Chandrashekhar Marshettiwar,
Mohan Nagar, P.K. Salve Road,
Behind Ganesh Mandir,
Near St. Joeseph’s Convent,
Mohan Nagar,
Nagpur 440001.

... Applicant

Versus

Aashotosh Deepak Karnewar,
Aged about 33 years,
Occupation – Service,
Quarter No.B-61,
Behind Officer Club,
Shakti Nagar, Colony, Durgapur,
Chandrapur, Post- Urja Nagar,
Dist. Chandrapur-442404.

... Non-Applicant

Shri A.A. Pannase, Advocate for Applicant.
Shri S.B. Tiwari, Advocate for Non-Applicant.

CORAM : V.M. DESHPANDE, J.

DATE : 17th NOVEMBER, 2021

Oral Judgment :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. By this application under Section 24 of the Code of Civil Procedure, the applicant, who is the wife of the non-applicant, is praying for transfer of Hindu Marriage Petition No.62 of 2020, filed by the non-applicant – husband in the Court of the learned Civil Judge, Senior Division, Chandrapur, to the file of the Court No.4, Nagpur.

3. The application is vehemently opposed by the learned counsel appearing for the non-applicant- husband.

4. It is not in dispute that the marriage between the parties to this application was performed on 25-1-2019. This Court is not making any comment in respect of the conduct of the parties *inter se*, since their respective cases will get prejudiced. Suffice it to say that the applicant- wife is residing at Nagpur and she is unemployed.

5. The applicant- wife has also filed a petition under Section 125 of the Code of Criminal Procedure, bearing No.E/108 of 2020 in the Court of the learned Judge, Family Court, Nagpur, claiming maintenance from the non-applicant- husband. It is not in dispute that the notice of the said petition was issued by the learned Judge of the Family Court and in pursuance of the notice, the non-applicant- husband is appearing in the said proceedings and he is contesting the application for maintenance filed by the applicant- wife. As on today, the applicant- wife is not getting any amount of maintenance from the

non-applicant.

6. In view of the position that the applicant- wife is unemployed and she is not getting any amount of maintenance and also she is dependent on her parents and in the light of the admitted fact that the non-applicant- husband is already contesting the application for maintenance filed by the applicant- wife under Section 125 of the Code of Criminal Procedure in the Family Court at Nagpur, in my view, though there is opposition from the non-applicant- husband to transfer his petition from Chandrapur to Nagpur, it will be convenient for him also if the petition is transferred to Nagpur. Consequently, I pass the following order :

7. The Misc. Civil Application is allowed. The Hindu Marriage Petition No.62 of 2020, filed by the non-applicant- husband, pending on the file of the learned Civil Judge, Senior Division, Chandrapur, is hereby transferred from the said Court to the Court of learned Judge, Family Court No.4, Nagpur, immediately. The parties are directed to appear before the learned Judge, Family Court No.4, Nagpur, on 22-12-2021. It is made clear that nothing is expressed by this Court on merits or de-merits of the matters filed by the parties before the Family Court.

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

JUDGE.

Lanjewar