

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

MISC.CIVIL APPLICATION (MCA) NO. 383 OF 2020

(Sau. Anvita w/o Sudhakar Rai, Wardha Vs. Sudhakar Rai s/o Prabhakar Rai, Pune)

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

Court's or Judge's orders.

Shri R.M. Patwardhan, Advocate for the applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
SEPTEMBER 01, 2021.

Heard.

2. This is an application filed by the applicant/ wife under Section 24 of the Code of Civil Procedure, 1908 for transfer of Hindu Marriage Petition No. A-117/2020, which is filed by the respondent/ husband seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 (“**the Act**”), and which is pending on the file of Family Court, Pune to the Court of Civil Judge Senior Division, Wardha.

3. It is stated that the marriage between the parties was solemnized on 19/06/2018. That due to the marital disharmony between the parties, since 17/09/2019, the applicant/ wife is residing at the mercy of her parents at Wardha.

4. It is further stated that the applicant/ wife is finding it difficult to travel to Pune to attend the aforesaid proceedings from Wardha, as the distance between the two cities is around 600 kilometers.

5. It is further stated that the applicant/ wife has also filed two proceedings; one is under Section 9 of the Act for restitution of conjugal rights before the Civil Judge Senior Division, Wardha bearing Hindu Marriage Petition No. 244/2020, and the other one is under Section 125 of the Code of Criminal Procedure for grant of maintenance before the Court of Chief Judicial Magistrate, Wardha.

6. It is further stated that she has no independent source of income and she is fully dependent on her parents, while the respondent/ husband is working as a Manager in one CWC Company and that his yearly package is 1,80,000 US Dollars.

7. The respondent/ husband, despite due service, preferred not to appear before this Court. It appears that he has no objection, if the aforesaid proceedings is transferred to the Court at Wardha.

8. Considering the aforesaid facts, I am satisfied that the ground for transfer of the aforesaid proceedings is made out. Hence, the following order :

ORDER

- i. Civil Application is allowed.
- ii. Hindu Marriage Petition No. A-117/2020 which is pending on the file of Family Court, Pune is withdrawn and transferred to the Court of Civil

Judge, Senior Division, Wardha for disposal in accordance with law.

9. Civil Application stands disposed of. No costs.

JUDGE

Sumit