

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

WRIT PETITION NO. 3721 OF 2021

Smt. Supriya W/o Vijay Nagle (nee Supriya D/o Mahadeoprasad Meshram),
..VS..

Shri Vijay S/o Gulabrao Nagle

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

Court's or Judge's orders

Shri Vishal Anand, Advocate for petitioner.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 27.09.2021

1. Heard.
2. By this petition, inter-state transfer of proceedings have been sought. Such power is not conferred upon this Court for two reasons. Firstly, provisions made in Article 226(2) of the Constitution of India, on which reliance has been made by learned counsel for the petitioner, do not empower this Court to transfer proceedings from one State to another inasmuch as cause of action to transfer the proceedings pending before a Court situated in a different State to which the writ of this Court does not extend would arise only in such other State and not in the present State. Secondly, according to the Section 25 of the Code of Civil Procedure, 1908, the remedy is available before Hon'ble Supreme Court.

3. Learned counsel for the petitioner has also placed reliance upon Section 21A(2) of Hindu Marriage Act, 1955. In our considered view, the power conferred under Sub-section 2 of Section 21A of Hindu Marriage Act, 1955, if any, would have to be exercised by the Court, in accordance with law, before whom the subsequent proceedings are filed.

4. The petition, therefore, stands **dismissed**. No costs.

JUDGE

JUDGE

Kirtak