

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

MISC. CIVIL APPLICATION NO.62/2021

Smt. Sangita w/o Sunil Agrawal

Vs.

Shri Sunil S/o Hanuman Prasad Agrawal

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

Court's or Judge's orders

Ms Radha M Mishra, Advocate (appointed) for applicant

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 28/07/2022

Heard.

2. It appears that in spite of service of notice, non applicant did not appear. He sent his reply by post. On 24/11/2021, this Court granted stay to the proceedings. In view thereof, the matter is taken up for final disposal.

3. The contention of the applicant is that she is legally wedded wife of the non-applicant. The marriage was solemnized on 21/11/2019 at Solapur. After marriage, she went to reside in the house of non-applicant consisting of joint family members. She resided there for about 2 1/2 months i.e. up to 10/02/2020.

4. It appears that the applicant belongs to very poor family and she herself is not a working lady. She is dependent on her old aged mother. Her brother is also a vegetable vendor. As such it is very difficult for her to attend the proceeding at Solapur. The distance

between Solapur to Nagpur is 602 km. She also filed Petition Under Hindu Marriage Act vide No.A-766/2020. The same is pending before the Family Court, Nagpur. Whereas non applicant filed petition under Section 9 of the Hindu Marriage Act on 27/07/2020. The applicant received notice on 19/08/2020. She also filed petition under Section 9 of the Hindu Marriage Act on 07/11/2020. They attempted to settle the matter before Mediator, which also appears to have been failed.

5. Considering the distance between Nagpur and Solapur which is around 602 km. it would be inconvenient for the applicant to attend proceeding at Solapur. Also, considering the financial condition of the applicant, she would suffer hardship to attend the proceeding at Solapur. Though, in reply, non applicant denied allegations, it is not denied that distance between Solapur to Nagpur is around 602 km. I am not going into the allegations made by the parties against each other.

6. Taking into consideration the grounds for transfer of the proceeding, I am satisfied that prayer made by the applicant needs to be granted. Accordingly I pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.A-107/2020 on the file of learned Family Court,

Solapur is hereby withdrawn and transferred to family Court, Nagpur.

iii) The Principal Judge, Family Court, Solapur to facilitate the transfer.

The application is disposed of accordingly.

JUDGE

R.S. Sahare