

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

MISC. CIVIL APPLICATION NO.259/2022

Sau. Neha w/o Vijayendra Chavan Vs. Vijayendra Dadu Chavan

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

Court's or Judge's orders

Shri Kanak Mandpe, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 20/08/2022

Heard.

2. The present application is filed by the applicant-wife for transfer of proceedings bearing No.A-38/2022 before the Judge Family Court, Kolhapur to Principle Judge, Family Court, Nagpur.

3. It is submitted that the non-applicant is the husband of applicant. After marriage, she went to reside at Kolhapur. Near about two years, she resided there. Her husband ill-treated the applicant with physical as well as mental cruelty and therefore, she was compelled to leave matrimonial house. It is her contention that distance between Nagpur to Kolhapur is more than 1000 KM and it would be inconvenient for the applicant to attend proceeding at Kolhapur.

4. Notices were issued in the matter. However, learned Counsel for the applicant did not turned up. Again, one opportunity was granted. However, even today he is absent.

5. Learned Counsel for applicant relied on *Poonam Manish Lath Vs. Manish Kashiprasad Lath*,

(2017) 3 Mah. LJ 422, wherein matrimonial proceedings were transferred from Kalyan to Bhayandar on the ground that father of the applicant a retiree is unable to accompany her to Kalyan to attend Court proceedings. It is held that convenience of wife is required to be considered.

6. In view of the facts involved in this matter and considering the financial condition of the applicant, as well as distance she would require to travel, she would suffer inconvenience and hardship to attend the proceeding at Kholapur.

7. 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 proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding bearing No. A-38/2022 before the Judge Family Court, Kolhapur is hereby withdrawn and transferred to Principle Judge, Family Court, Nagpur.
- iii) The Principal Judge, Family Court, Kolhapur is requested to facilitate the transfer.

The application is disposed of accordingly.