

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

MISC. CIVIL APPLICATION (TR.) NO. 354 OF 2021

Sau. Pradnya W/o. Kashinath Gaikwad

...**VERSUS**...

Kashinath S/o. Shivajirao Gaikwad

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

Court's or Judge's order

Shri Ravikumar M. Tiwari, Advocate for applicant.

Ms. Aparna Telang, Advocate h/f. Shri Ashok P. Tathod for non-applicant.

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

DATE : 28th JULY, 2022.

The present application is filed by the applicant-wife for transfer of proceedings i.e. HMP No. 20/2021 pending in the Court of Civil Judge, Senior Division, Washim to the Family Court at Akola.

2. It is submitted that the marriage between the applicant and non-applicant was solemnized in the year 1991 at Mouze Wyad, Tah. Risod, Distt. Washim. After marriage, the applicant started residing at matrimonial home at Mouze Wyad with the non-applicant. Thereafter, they started residing at Akola.

3. The non-applicant is retired from service who was working as a Recovery Officer in District Central Co-operative Bank Ltd. at Distt. Washim. The applicant is serving in the Income Tax Department and presently, she is holding the post of Income Tax Inspector at Khamgaon. She has to attend her office from Akola to Khamgaon.

4. It is the contention of the applicant that there is one suit filed by her against the brother of non-applicant and therefore, to harass the applicant, the non-applicant has filed divorce petition i.e. HMP No. 20/2021 in the Court of Civil Judge, Senior Division at Washim against the applicant. I need not go into the merits of the petition considering the fact that she is maintaining her unmarried daughter Ku. Sneha as well as she is doing job by going to Khamgaon from Akola, it would be difficult for her to attend the Washim Court.

5. The learned counsel for non-applicant vehemently opposes the present application and submits that the distance between Akola and Washim is 60 km. To this, the learned counsel for applicant disputes and submits that it is around 80 km. Be that as it may, the only consideration, I think for transfer of pending petition, is that the non-applicant is retired person and the applicant is working lady maintaining her daughter. In view thereof, considering the inconvenience and hardship which would cause to the applicant by attaining the Court at Washim, I am inclined to allow the present application. Hence, I proceed to pass the following order:-

ORDER

1. The application is allowed.
2. The proceedings i.e. HMP No. 20/2021 is hereby transferred from the file of learned Civil Judge, Senior Division, Washim to the learned Family Court at Akola.

- 3.** The learned Principle District Judge, District Court at Washim is hereby requested to facilitate the said transfer.
- 4.** The application is disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar