

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

MISC. CIVIL APPLICATION NO. 439 OF 2021

Swati Jagdish Urkude

-- Applicant

Vs.

Jagdish Bapurao Urkude

-- Non-applicant

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

Court's or Judge's orders

Mr. Uday Changle h/f Mr. S.V. Sirpurkar, Advocate for applicant
Ms. W. Daigavane h/f Mr. Harish Dangre, Adv. for non-applicant

CORAM : MANISH PITALE, J.

DATE : 24th MARCH 2022

By this application, the applicant is seeking transfer of a divorce petition bearing H.M.P. No.168/2021, filed by the non-applicant (husband) in the Court of Civil Judge (Senior Division), Wardha to the competent Court at Warora.

2. It is the case of the applicant that marriage between the parties was solemnized on 16/04/2014, but, due to matrimonial discord, the applicant is now living with her parents at Bhadrawati. There is a seven years old daughter from the marriage, who is living with the applicant. It is the case of the applicant that distance between Bhadrawati and Wardha is about 105 KM and

that it is inconvenient for the applicant to attend the proceedings in the Court at Wardha.

3. While opposing this application, the learned counsel appearing for the non-applicant submits that the applicant herself has initiated a proceeding under the provisions of the Protection of Women from Domestic Violence Act, 2005, in a Court at Samudrapur, District Wardha and that she is attending the said proceeding. On this basis, it is submitted that when the applicant herself is pursuing the proceedings in District Wardha, she cannot claim that it would be inconvenient for her to attend to the proceedings in the divorce petition filed by the non-applicant before the competent Court at Wardha.

4. Considering the aforesaid circumstances, this Court is of the opinion that the applicant has failed to make out a case for transfer of the proceedings. Yet, since the applicant is living with her parents and she has no source of income, it would be in the interest of justice that the non-applicant is directed to pay a specific amount to the applicant on the dates on which she is required to attend the proceedings in the Court of Civil Judge (Senior Division), Wardha, pertaining to the aforesaid divorce petition.

5. Accordingly, the application is dismissed. But, the non-applicant is directed to pay sum of Rs.800/- (Rs. Eight Hundred) for every visit that the applicant is required to undertake to attend

the proceedings in the H.M.P. No.168/2021, filed by the non-applicant in the Court of Civil Judge (Senior Division), Wardha.

6. The application is disposed of.

JUDGE