

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

MISC. CIVIL APPLICATION NO. 408 OF 2021

Priyanka Sandeshkumar Wasnik -- Applicant
Vs.
Sandeshkumar Dilip Wasnik -- 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. R.R. Rathod, Advocate for Applicant

CORAM : MANISH PITALE, J.

DATE : 13th APRIL, 2022

By this application, the applicant is seeking transfer of proceedings initiated by the non-applicant before the competent Court at Gondia to the competent Court at Nagpur.

2. In this case, the material on record shows that the applicant and the non-applicant got married on 03/02/2019, but, due to matrimonial discord, they have been living separately since 15/08/2020. The applicant is now residing at Kamptee, District Nagpur, while the non-applicant has filed a divorce petition before the competent Court at Gondia.

3. This Court issued notice in the present application. The non-applicant is served, but, he has chosen not to appear before this Court.

4. The learned counsel appearing for the applicant submits that there is an application for restitution of conjugal rights filed before the competent Court at Nagpur, on behalf of the applicant and that, therefore, it would be convenient that the said divorce petition filed by the non-applicant is transferred to the competent Court at Nagpur.

5. This Court has perused the material on record. It is evident from the documents placed on record that the application for restitution of conjugal rights was filed by the applicant, after the respondent filed the divorce petition at Gondia. The material on record also shows that there is no child from the marriage. Although the applicant claims that she is unemployed, it is an admitted position that she holds the qualification of B.E. (Electronics). The material on record indicates that the applicant is a well educated lady, who can undertake travel from Nagpur to Gondia on specific dates when her presence is required at Gondia.

6. Since the applicant claims that she is unemployed, appropriate directions can be given to the non-applicant to bear expenses of the applicant on the dates when she would have to attend the proceedings at Gondia. This Court is not convinced that sufficient grounds are made out for transfer of the said proceedings from Gondia to Nagpur.

7. In view of the above, the application is disposed of with a direction that the non-applicant shall pay an amount of Rs.2000/- to the applicant on each date that she is required to remain present before the Court of Civil Judge, Senior Division, Gondia in H.M.P. No.109/2020, i.e. divorce petition filed by the non-applicant at Gondia.

8. Registry is directed to communicate this order to the Court of Civil Judge, Senior Division, Gondia in the aforesaid proceedings, so that the non-applicant is put to notice that he is required to deposit the said amount towards expenses of the applicant.

9. The Court of Civil Judge, Senior Division, Gondia, shall ensure that the direction given by this Court is complied with. In case, there is any violation of the

aforesaid condition, liberty is reserved to the applicant to approach this Court.

10. Application stands disposed of in above terms.

JUDGE