

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

MISC. CIVIL APPLICATION (MCA) NO.477/2021

Mrs. Snehashree Prapanna Sharma

Vs.

Shri Prapanna Devkinanda Sharma

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

Court's or Judge's orders

Mrs. S.P. Giratkar, Advocate for applicant
Shri M.N. Ali, Advocate for non-applicant

CORAM : SMT. M.S. Jawalkar, J.
DATED : 17/08/2022

Heard.

2. The present application is filed by the applicant wife for transfer of H.M. Petition No.A-268/2021 pending before the Family Court, Thane to Civil Judge, Senior Division, Chandrapur.

3. It is submitted that the applicant married with non-applicant on 11/03/2020. After marriage, applicant went to reside at the house of non-applicant. After 2-3 days, non-applicant and his mother started ill-treating and harassing the applicant. She was not supported economically. It is submitted that non-applicant is serving in private Company and has handsome salary. On 13/12/2020, the non-applicant sent applicant by train to Chandrapur and due to some medical issues, she was also required to terminate the pregnancy.

4. Leaned Counsel for applicant submitted that being housewife, she is having no source of income. The father of the applicant is a senior citizen and is not doing any work. The applicant is under the shelter of her father and she cannot travel without escort to Thane to attend the proceeding. Therefore, she prays for transfer of the proceeding from Thane to Chandrapur.

5. The application is vehemently opposed by non-applicant. He has submitted that there is no medical report on record to show that she was required or constrained to terminate her pregnancy.

6. Without going into the merits of the matter and only considering the inconvenience and hardships which would be caused in attending the matter, I am of the considered opinion that matter pending before the Thane Court needs to be transferred to the Court of Civil Judge, Senior Division, Chandrapur.

7. Moreover, one application under the Protection of Women from Domestic Violence Act bearing No.108/2021 is pending before the learned Judicial Magistrate First Class, Chandrapur and for that reason, the non-applicant is required to attend the Court at Chandrapur. Considering the financial position and above referred facts, I am inclined to allow the application and proceed to pass the following order:

ORDER

i) The application is allowed.

ii) Hindu Marriage Petition No.A-268/2021 pending before the Family Court at Thane is hereby withdrawn and transferred to the Court of Civil Judge, Senior Division, Chandrapur.

iii) The Principal Judge, Family Court, Thane is requested to expedite the transfer.

The application is disposed of accordingly.

JUDGE

R.S. Sahare