

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

MISC. CIVIL APPLICATION (TR.) NO.18 OF 2023

Sau. Aarti w/o Vinod Ingole

Vs.

Vinod Bhanudas Ingole

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

Court's or Judge's orders

Mr. Anzar Baig Mirza, Advocate for applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/04/2023

1. Present application is preferred for seeking transfer of matrimonial proceedings MJC No.10/2020 filed by the non-applicant – husband under Section 7 read with 25 and 12 of the Guardians and Wards Act, 1890 in the Court of District Judge, Akot to the District Judge, Achalpur.

2. As per the contention of the applicant – wife her marriage was solemnized on 02.05.2018 along with the non-applicant. After marriage, she resumed cohabitation, however, due to some differences between them, she could not continue her cohabitation with the non-applicant. She is having son of five years old. Now she is residing at Kapustalni and serving as a teacher there. The distance between Akot and her village is more than 100 km. Moreover, as she is serving as a teacher it is difficult for her to attend the proceeding, if

the proceeding is transferred to Achalpur, it will be convenient for her to attend the proceeding. Moreover, there is nobody in the house to escort her to attend the proceeding at Akot.

3. Notice of the said application though served on the non-applicant, he failed to appear and preferred not to contest the application.

4. The application is supported with the copies of the application filed by the non-applicant i.e. MJC No.10/2020. The postal track report shows that the notice is duly served on the non-applicant.

5. Heard learned Advocate Mr. A. B. Mirza for the applicant. Perused the application. It is apparent that the applicant is serving in a school at village Kapustalni which is nearer to the Achalpur, whereas distance between Akot and to her village is more than 100 km. It is now well settled that while considering the transfer application in respect of the matrimonial proceeding, the convenience of the wife to be looked into. In view of that the application deserves to be allowed. Considering it is difficult for the applicant to attend the proceeding by attending her job at Akot, the application deserves to be allowed. In view of that I proceed to pass following order.

6. Application is allowed.

7. The MJC No.10/2020 filed by the non-applicant in the Court of District Judge, Akot be transferred to the District Judge, Achalpur, for

adjudication.

8. The District Judge, Akot shall send record and proceedings to the District Judge, Achalpur for adjudication.

9. The parties to appear before the District Judge, Achalpur on 05.06.2023.

(URMILA JOSHI-PHALKE, J.)

Sarkate