

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

MISC. CIVIL APPLICATION (Tr) NO. 93/2023

Sneha W/O Sanket Nikhar Vs Sanket S/O Nilkant Nikhar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr P.M. Shukla, advocate for the applicant

Mr I.S. Charlewar, advocate for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/04/2023.

1. Heard.
2. The present application is for seeking transfer of the matrimonial proceedings bearing Marriage Petition No. A-72/2022, is pending before the Family Court Bhandara to the Family Court, Nagpur.
3. As per the contention of the applicant, her marriage was solemnized with the non-applicant on 18/5/2013 at Nagpur. After marriage, she resumed cohabitation, however, she was not treated well. Therefore, she was constrained to leave the matrimonial house. Now, she is residing at Nagpur at the mercy of her parents. The place for the Family Court, Bhandara is inconvenient for her as she has to travel to 50 to 55 kms and for that purpose, she has to incur the expenses. She has no source of income and therefore, requested for transfer of proceedings from the Family Court, Bhandara to the Family Court, Nagpur.

4. The said application is strongly opposed by the non-applicant on the ground that the application is filed on the baseless ground. The applicant is a literate lady. The distance between Bhandara to Nagpur is 50 to 55 K.M. and there are frequent bus services. It is only one hour journey.

5. On the contrary, the non-applicant has to take care of his own son. The applicant was not taking proper care and it is the non-applicant who was taking care of the child. In view of the above, the said reasons, the application is baseless and deserves to be rejected.

6. Heard, learned advocate Mr P.M. Shukla for the applicant and Mr I.S. Charlewar, learned counsel for the non-applicant.

7. Perused the application.

8. The ground raised by the applicant is that the distance between the two cities is of 50 to 55 k.m and it is highly inconvenient for her to travel for 50 to 55 km., and there is nobody to escort her to attend the proceedings. She further raised the ground that, she has no source of income to incur the expenses. Considering the ground raised, the applicant is a literate lady and the ground raised that she is unable to travel 55 km. is unacceptable. So far as the ground raised in regard to the expenses is concerned, it can be taken care of by directing the non-applicant to furnish the expenses for travelling

for the applicant as well as if any person for accompany her.

9. In view of that, I am not inclined to allow the present application. Hence, I pass following order:

- a) The Misc. Civil Application is **rejected**.
- b) The non-applicant shall provide transport expenses to the applicant as well as to a person if anybody accompanies her to attend the proceedings. The non- applicant shall pay the amount of travelling expenses in advance to the applicant one week before, the date scheduled between the Family Court Bhandara.
- c) In view of this, the application is disposed of with no order as to costs.

JUDGE