

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

MISC. CIVIL APPLICATION NO. 165 OF 2023

Sau. Ankita Virendra Ramteke (Maiden Name Ankita D/o Raj Tembhare)

..VS..

Shri Virendra Dudhram Ramteke

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

Court's or Judge's orders

Mr. K.Y. Mandpe, Advocate for applicant.

Mr. N.A. Chauhan, Advocate for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : APRIL 13, 2023

Present application is for seeking transfer of the matrimonial proceeding H.M.P. No.486/2022 pending in the Court of 2nd Joint Civil Judge, Senior Division, Chandrapur to Principal Judge, Family Court, Nagpur.

2. The grounds raised by the applicant is that her marriage was solemnized with the non-applicant on 19.02.2021. After marriage she resumed cohabitation at the house of the non-applicant. From the said wedlock she gave birth a male child on 18.12.2021. Thus her child is only 8 to 9 months old. As there was matrimonial dispute arose between applicant and non-applicant, she constrained to leave the matrimonial house and staying at the mercy of her parents. Now the non-applicant has filed a petition bearing H.M.P. No.486/2022 pending at 2nd Joint Civil Judge, Senior Division, Chandrapur. The distance between Chandrapur to Nagpur is about 160 kms. It is difficult and inconvenient for the applicant to travel all along with 8 months child. Moreover, she has no source of income,

she has to incur the costs towards a litigation. There is nobody to escort her to attend the proceeding as well as there is nobody to look after the child in her absence.

3. The application is strongly opposed by the non-applicant who is represented by learned Advocate Mr. N.A. Chauhan, who raised the objection that the grounds mentioned in the application are baseless. The non-applicant is ready to incur the expenses by providing travelling charges to the applicant and prayed for rejection of the application.

4. Heard both the sides. Perused the application.

5. Matrimonial relationship is not in dispute. It is also not disputed that the applicant and non-applicant both are having a child of 8 to 9 months. The distance between two cities is more than 160 kms. It is quite difficult for the applicant to travel along with 8 months child to attend the proceeding.

6. Considering the above grounds, the applicant is made out the case to transfer the proceeding from Chandaur to Nagpur. In view of that considering the convenience of the applicant, the application deserves to be allowed.

7. In view of that, I proceed to pass the following order :

(i) The Misc. Civil Application No.165 of 2023 is allowed.

- (ii) The H.M.P. No. 486/2022 pending before the 2nd Joint Civil Judge, Senior Division, Chandrapur be transferred to the Principal Judge, Family Court, Nagpur.
- (iii) The 2nd Joint Civil Judge, Senior Division, Chandrapur shall sent the record and proceeding to the Principal Judge, Family Court, Nagpur.
- (iv) The parties to appear before the Principal Judge, Family Court, Nagpur on 28.04.2023.
- (v) The Civil Application is disposed of. No order as to costs.

(URMILA JOSHI-PHALKE, J.)

Kirtak