

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

MISC. CIVIL APPLICATION (TR) NO. 212/2023

Janhvi W/O Girish Kandare Vs Girish S/O Subhash Kandare

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

Court's or Judge's Order

Mr S.B. Gandhe, advocate for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/04/2023.

1. The present application is for seeking transfer of the matrimonial proceedings bearing petition No. A-204/2022 is pending in the file of the learned Judge, Family Court, Jalgaon to learned Family Court, Amravati.

2. The application is filed on the ground that the marriage of the applicant/wife with the non-applicant/husband was performed on 26/12/2021 at Amravati. After marriage, she resumed cohabitation at the house of non-applicant but some matrimonial dispute arose between them and she was constrained to leave the matrimonial house. After she left the matrimonial house, the non-applicant/husband has not made any provision for her livelihood and therefore, she is unable to survive.

3. The further contention raised by the applicant is that the distance between Jalgaon to

Amravati is 300 Km., it is difficult for the applicant/ wife to travel all alone for 300 Km., as she has to spend the entire day for attending the proceedings. One proceeding is already filed by her under the provisions of the Domestic Violence Act, wherein the non-applicant has already put his appearance and attended the proceeding. So no prejudice will be caused to him if the proceedings is transferred from Jalgaon to Amravati.

4. Notice of the said application though served on the non-applicant. Non-applicant though appeared through his counsel after sufficient opportunity, none is present before the Court today.

5. Heard learned advocate Mr S.B. Gandhe for the applicant. He reiterated the contentions raised in the application and submitted that the applicant is only 24 years of age and staying at the mercy of her parents. There is nobody to escort her to attend the proceedings at Jalgaon which is at 300 Km. It is difficult for her to travel all alone for 300 Km. Moreover, she is unable to bear the costs as non-applicant has not made any provision either for her maintenance or for her expenses.

6. The contention raised by the applicant is supported by the documents that is the proceeding filed

under the provisions of the Domestic Violence Act as well as the proceeding filed under the provisions of the Hindu Marriage Act. As already submitted by the learned advocate that the non-applicant has already attended the proceeding at Amravati in the Domestic Violence Proceeding, no prejudice will be caused to him, if the proceedings is transferred from Jalgaon to Amravati.

7. It is now well settled that while considering the transfer application in the matrimonial matter, the convenience of the applicant/wife is to be looked into. In view of that, the application deserves to be allowed. Hence, I proceed to pass the following order:

- a) The Misc. Civil Application is **allowed**.
- b) The proceedings pending before the Family Court Jalgaon bearing Petition No. A-204/2022 be transferred to the learned Family Court, Amravati for adjudication.
- c) The parties to appear before the Family Court, Amravati on 08/06/2023.
- d) The Family Court, Jalgaon shall sent the record and proceedings of Petition No. A-204/2022 be sent to the learned Family Court, Amravati for adjudication.