

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

MISC. CIVIL APPLICATION (TR.) NO.263/2023

Sau. Ankita Rahul Pandhare Vs. Rahul S/o Mahadev Pandhare

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

Court's or Judge's orders

Shri K.J. Topale, Advocate for applicant.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 14/06/2023

1. Heard learned counsel for the applicant. Insite of service non-applicant remained absent.
2. This is an application under Section 24 of the Code of Civil Procedure, 1908. The applicant is seeking transfer of proceedings bearing Hindu Marriage Petition No.144/2022 pending on the file of learned Civil Judge Senior Division, Daryapur, District Amravati to learned Civil Judge Senior Division, Wardha.
3. Learned counsel for the applicant submits that the applicant is legally wedded wife of the non-applicant. Their marriage was performed on 20.11.2021 at Bopapur, District Wardha. He submits that after marriage applicant went to cohabit with the non-applicant at village Turkhed, Tahsil Anjangaon Surji, District Amravati. He further submits that non-applicant has filed proceedings at Daryapur in order to cause hardship and inconvenience to the applicant.
4. It is the contention of the applicant that during her stay at matrimonial house, she was ill-treated; physically as well mentally. She was constrained to leave her matrimonial

house. She is residing with her parents since 17.12.2021 at Bopapur (Digi) Tahsil Devli District Wardha. The distance between her parents house and Daraypur is about 250 kms and requires to travel 2 to 3 hours by changing 2 to 3 buses. It is stated that she also require to take assistance of one person and it also incurs heavy expenses. It is stated that if the matter is not transferred at Wardha, the applicant would suffer hardship and inconvenience. Therefore, it is submitted that it will be appropriate to transfer the matter in the Court of Civil Judge Senior Division, Wardha. In view of these facts the applicant would definitely require to face hardship and inconvenience to attend the matter at Daryapur. As such her application needs to be allowed as Civil Judge Judge Senior Division, Wardha is also having jurisdiction to try the suit. Accordingly, I pass the following order:

ORDER

- i. The application is allowed.
- ii. Hindu Marriage Petition No.144/2022 pending on the file of Civil Judge Senior Division, Daryapur, District Amravati is transferred to Civil Judge Senior Division, Wardha.
- iii. Learned Principal District Judge, Amravati is hereby requested to facilitate the transfer.

With this, the application is disposed of.

(SMT. M.S. JAWALKAR, J.)