

1**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR****MISC.CIVIL APPLICATION (TRANSFER) NO.531 OF 2022**

Mrs.Priyanka w/o Rahul
 Somkuwar, aged about : 27
 years, occupation :
 Housewife, r/o c/o
 Anantram Nandeshwar, plot
 No.122, Siddartha Society,
 8th Mile, Amravati Road,
 Nagpur.
 Mobile No.9665960358. **Applicant.**

:: V E R S U S ::

Rahul s/o Narendra
 Somkuwar, aged about : 30
 years, occupation : Police
 Constable (SRPF Camp,
 Vadali Road, Amravati), r/o
 plot No.58, Suraksha
 Colony, Panchsheel Chowk,
 Tapovan, Amravati (M.S.) **Non-applicant.**

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Ms Medha Nagi, Advocate h/f Shri A.R.Kalraiya, Counsel for the
 Applicant.

None for the non-applicant.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **18/01/2023**

ORAL JUDGMENT

1. By this application, the applicant/wife seeks transfer of Hindu Marriage Petition No.A/90/2022, filed by the non-applicant/husband, from learned Principal Judge, Family Court at Amravati to Family Court at Nagpur on ground that distance between Nagpur and Amravati is 150 kilometers and, therefore, she is unable to attend before Family Court at Amravati as she has no source of income. She has already filed proceedings under the

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Domestic Violence Act and for monetary relief. However, she has not received any relief from the Court. She is staying at the mercy of her parents. There is no one to escort to attend the proceedings at Amravati.

2. Though the non-applicant/husband is served, none appears on his behalf.

3. Heard Advocate Ms Medha Nagi h/f learned counsel Shri A.R.Kalraiya for the applicant/wife. She reiterates contentions as are in the application. In addition to that, she placed reliance on the decision of the Honourable Apex Court in the case of **NCV Aishwarya vs. A.S.Saravana Karthik Sha**, reported at **2022 LiveLaw (SC) 627** wherein the Honourable Apex Court observed that the cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's

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convenience which must be looked at while considering transfer.” She also placed reliance on the decision of the Honourable Apex Court in the case of Mona Aresh Goel vs. Aresh Satya Goel, reported at AIR 2000 SC 3512 wherein the Honourable Apex Court has viewed that convenience of wives is to be considered while considering transfer applications. She further placed reliance on the decision of this Court in the case of Sarika Rahul Phadtare vs. Rahul Uttam Phadtare decided on 17.8.2022 wherein this Court at Principal Seat considering wife’s convenience transferred matrimonial proceedings from Pune to Thane. On the basis of observations of this Court as well as the Honourable Apex Court, she prayed that the present application be allowed.

4. Admittedly, distance between Nagpur and Amravati is 150 kilometers. The application is not contested by the non-applicant/husband. Though the applicant/wife has filed various proceedings for monetary reliefs, no relief is granted in her favour.

5. In this view of the matter and in view of observations in cases cited *supra*, the application deserves to be allowed. Hence, this Court passes following order:

ORDER

(1) The Misc.Civil Application is **allowed**.

Judgment

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(2) Hindu Marriage Petition No.A/90/2022 pending before learned Principal Judge, Family Court at Amravati is transferred to Family Court at Nagpur.

The Misc.Civil Application stands **disposed** of accordingly.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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