

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

MISC. CIVIL APPLICATION NO.520 OF 2022

(Mrs. Swati w/o Ishan Meshram Vs. Mr. Ishan s/o Udhavrao Meshram)

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

Court's or Judge's Order

Shri S.S. Ansari, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 02, 2023.

Heard.

2. By preferring this application, the applicant-wife is seeking transfer of the matrimonial proceeding bearing No.52/2022 filed by the non-applicant in the Court of 4th Civil Judge, Senior Division, Nagpur to the Civil Judge, Senior Division, Bhandara.

3. As per the contention of the applicant, her marriage with the non-applicant was solemnized on 10/01/2021. After marriage she resumed cohabitation however, she was not treated well, and therefore, she constrained to leave the matrimonial house.

4. It is further the contention of the applicant that after the non-applicant has deserted her, he has not made any provision for her maintenance, therefore, she has no source of income. She is unable to bear the cost of litigation. It is further contended that the applicant is residing along with her parents at Bhandara and there is nobody to escort her to attend the proceedings at Nagpur, and therefore, the matrimonial proceeding pending before the Civil Judge, Senior Division, Nagpur be transferred to the Civil Judge, Senior Division, Bhandara.

5. Though notice of the application is served on the non-applicant none appears for the non-applicant.

6. Heard learned Counsel for the applicant. He reiterated the contentions as mentioned in the application and in addition to that he submitted that the convenience of the wife is to be considered while considering the transfer application as she has to travel all alone to attend the proceedings at Nagpur and considering the same, matrimonial proceeding be transferred to Bhandara.

7. Perused the application. The distance between Nagpur to Lakhani is only 80 kilometers. The main ground raised by the applicant is that no provision is made by the non-applicant for her maintenance and she has no source of income, and therefore, she is unable to bear the cost of litigation. She had already filed an application under Section 12 for the monetary reliefs. In addition to that she is at liberty to file the application under Section 24 of the Hindu Marriage Act for interim alimony.

8. Considering the distance between two cities admittedly, it is not inconvenient place for the applicant. Merely because she is residing along with her parents is not a sufficient reason to transfer the matrimonial proceeding at Bhandara.

9. Thus, no grounds are made out for transfer. Application is devoid of merits and deserves to be rejected. Hence, the application stands rejected.