

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

MISC. CIVIL APPLICATION NO.570 OF 2021

(Sau. Ranjitkar Rajendrasingh Mattu Vs. Shri Rajindrasingh Mattu)

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

Court's or Judge's Order

Shri Arjun Raoka, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 30, 2023.

Heard.

2. By this application, the applicant is seeking transfer of matrimonial proceedings bearing HMP No. 229/2021 pending before the 3rd Joint Civil Judge, Senior Division, Chandrapur to the Family Court, Nagpur.

3. As per the contention of the applicant, her marriage with the non-applicant was solemnized on 30/04/2010 at Nagpur. After marriage, she resumed cohabitation at the house of non-applicant but she was not treated well. Since 2019 she is suffering from paralysis and unable to move from one place to another. She is having two children and staying with her. Due to her physical ailment, she is unable to attend the proceeding at Chandrapur which is at a distance of 150 kilometers from Nagpur, and therefore, prayed for the transfer of the matrimonial proceeding from Chandrapur to Nagpur.

4. The notice of the said application is served on the non-applicant by private mode also as well as through

paper publication however, non-applicant failed to appear and preferred not to contest the application.

5. Heard Shri A. Raoka, learned Counsel for the applicant. He reiterated the contention as raised in the application. In addition to that he submitted that the application is supported by the medical papers which shows that the applicant is suffering from paralysis, and therefore, for the convenience of the applicant, the matrimonial proceeding which is filed by the non-applicant in the Court of Civil Judge, Senior Division, Chandrapur be transferred to the Family Court, Nagpur.

6. Perused the application and the documents along with the application.

7. The contention of the applicant is that she is suffering from paralysis is supported by the medical evidence. Now it is well settled that while considering the application for transfer filed by the wife, convenience of the wife is to be looked into. Considering the reasons mentioned in the application that the distance between two cities is more than 150 kilometers as well as the applicant is suffering from paralysis it is highly inconvenient for her to attend the proceeding at Chandrapur.

8. In view of above circumstances and by noticing an inconvenience which would be caused to the applicant/wife, the application deserves to be allowed.

9. Hence, I proceed to pass the following order :
- (i) The application is allowed.
 - (ii) The matrimonial proceeding bearing HMP No.229/2021 pending before the 3rd Joint Civil Judge, Senior Division, Chandrapur be transferred to the Family Court, Nagpur.
 - (iii) The 3rd Joint Civil Judge, Senior Division, Chandrapur shall send the record and proceedings to the Family Court, Nagpur.
 - (iv) The parties shall remain present before the Family Court, Nagpur on 20/04/2023.
10. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*