

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

MISC. CIVIL APPLICATION (TR.) NO. 859 OF 2022

DIKSHA SOURABH HINGMIRE

...VERSUS...

SOURABH S/O. PRAKASH HINGMIRE

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

Court's or Judge's order

Ms. Jaishree Junghare, Advocate h/f. Ms. B.V.Reddy, Advocate (Appointed) for applicant.

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

DATE : 01st AUGUST, 2023

Heard learned counsel for the applicant.

2. The present application is filed by the applicant - wife for transfer of Marriage Petition No. 350/2022 filed under Section 13(1) (i-a)(i-b) of Hindu Marriage Act, pending on the file of learned Civil Judge, Senior Division, Chandrapur to learned Civil Judge, Senior Division, Wardha.

3. It is contended that the applicant is legally wedded wife of the respondent and their marriage was performed on 21/12/2018 at Wardha. Due to matrimonial dispute and hardship, the applicant constrained to leave her matrimonial house and took shelter of her parental house. The parents of the applicant are old aged.

4. In spite of service, the respondent remains absent.

5. It appears that there are two proceedings pending at Wardha. One is under Section 9 of Hindu Marriage Act vide H.M.P. No. 387/2021 pending before learned C.J.S.D., Wardha and another is under the provisions of Protection of Women from Domestic

Violence Act vide Petition No. 09/2021 pending before learned C.J.M., Wardha. The respondent is already attending both the proceedings at Wardha.

6. It is contended by the learned counsel for the applicant that the distance between Wardha and Chandrapur is 120 km. So the applicant would require to travel 240 km. to attend the dates at Chandrapur. She is having 3 years old child. As such, it would be difficult for her to attend the proceedings at Chandrapur. On the contrary, the respondent is already attending both the proceedings at Wardha, which were filed earlier in point of time. As such, considering the hardship and inconvenience, which would cause to the applicant, if the proceedings are not transferred from Chandrapur to Wardha, it would be appropriate to allow the application. Accordingly, I proceed to pass the following order:-

ORDER

- I) The application is allowed.
- II) The Marriage Petition No. 350/2022 filed under Section 13(1)(i-a)(i-b) of Hindu Marriage Act, pending on the file of learned Civil Judge, Senior Division, Chandrapur, is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Wardha.
- III) The Principal District Judge, Chandrapur is hereby requested to facilitate the said transfer.
- IV) Accordingly, the application is disposed of.