

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

MISC. CIVIL APPLICATION NO.778 OF 2022

(Shubhangi w/o Vivek Thakre Vs. Vivek s/o Babanraoji Thakre)

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

Court's or Judge's Order

Ms N.P Dhoke, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 11, 2023.

Heard.

2. By this application, the applicant is seeking transfer of matrimonial proceedings bearing Petition No. A-257/2022 pending before the Civil Judge, Senior Division, Wardha to the Civil Judge, Senior Division, Nagpur.

3. As per the contention of the applicant, her marriage with the non-applicant was solemnized on 03/03/2021. After marriage, she resumed cohabitation at the house of non-applicant but she was not treated well. She is having small child of 10 months and staying with her. It is difficult for her to attend the proceeding at Wardha by keeping the child at home as well as there is nobody to looking the said child in her absence. She further raised the ground that she has no source of income, and therefore, she is unable to bear the cost of litigation.

4. The notice of the said application is served on the non-applicant however, non-applicant failed to appear and preferred not to contest the application. On the last occasion, the last opportunity was granted to him however, today also he failed to appear.

5. The application is supported by the affidavit of the applicant. The applicant has also filed the application for grant of maintenance in the Court of Judicial Magistrate First Class, Nagpur.

6. Considering the reason that the applicant is having small baby of 10 months therefore, it is inconvenient for the applicant to attend the proceeding at Wardha in the court of Civil Judge, Senior Division.

7. It is apparent that the applicant is staying at the mercy of her parents. Her parents are old aged. Considering the age of the small child, it will be difficult for her to travel along with the child as well as by keeping him at the home. Therefore, even though the distance between the two cities is only 80 kilometers but considering that she has small child of 10 months only, the application deserves to be allowed.

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.257/2022 pending before the Civil Judge, Senior Division, Wardha be transferred to the Civil Judge, Senior Division, Nagpur.

(iii) The Civil Judge, Senior Division, Wardha shall send the record and proceedings to the Civil Judge, Senior Division, Nagpur.

(iv) The parties shall remain present before the Civil Judge, Senior Division, Nagpur on 26/04/2023.

10. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*