

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

MISC. CIVIL APPLICATION (Tr) NO.823 OF 2022

[Mrs. Kshitija Ajinkya Jankar ..V/s.. Mr. Ajinkya Babasaheb Jankar]

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

Court's or Judge's order

Mr Y. R. Kinkhede, Adv. h/f Mr A. V. Borekar, Advocate for Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 15th MARCH, 2023.

. By this application, the applicant is seeking transfer of the matrimonial proceedings bearing Petition No.A-1455 of 2022 pending before the Family Court at Pune to the Court of Civil Judge Senior Division, Wardha.

2. As per the contention of the applicant, she is the legally wedded wife of the non-applicant and her marriage was solemnized on 17.02.2022. After marriage, she resumed cohabitation, however, she was not treated well and subjected to ill-treatment at the hands of the non-applicant. She was constrained to leave the matrimonial house, and therefore, she is residing at Wardha, at the mercy of her parents. After she left the matrimonial house, non-applicant has not made any provision for her maintenance and for her livelihood and filed a petition for divorce on the baseless and false allegations. The distance between the Wardha to Pune is more than 600 Kms. The applicant, who is young lady of 28 years age, is unable to attend the proceeding at Pune by travelling alone to 600 Kms. No prejudice will be caused to the non-applicant, if the

application is transferred to the Civil Judge Senior Division Wardha. For all above these grounds, she claimed the relief of transfer of matrimonial proceedings from Pune to Wardha.

3. Notice on the said application though served on non-applicant, he preferred not to appear and not to contest the application. After service of notice, though one opportunity was granted to him to appear and contest the application, but he has not availed the said opportunity.

4. Heard Mr Kinkhede holding for Mr Borekar, learned Advocate appearing for applicant. He reiterated the contentions. In addition that he submitted that the applicant, who is a young lady, unable to attend the proceedings by travelling alone more than 600 Kms. Moreover, she is unable to bear the cost of litigation, as she has no source of income and the non-applicant has not made any provision for her livelihood.

5. In view of the reasons mentioned in the application and well settled proposition by the Hon'ble Apex Court that while considering the transfer application in matrimonial cases, the convenience of the wife is to be taken into consideration. The application deserves to be allowed.

6. In view of the above, matrimonial proceedings bearing Petition No.A-1455 of 2022 pending before the Family Court, Pune is transferred to the Court of Civil Judge Senior Division, Wardha for adjudication. The Family Court, Pune shall send record and proceedings to the Civil Judge Senior Division

Wardha.

7. The parties to appear before the Civil Judge Senior Division, Wardha on 10.04.2023.

8. The civil application is disposed of.

JUDGE