

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

MISC. CIVIL APPLICATION NO.871 OF 2022

(Sau. Nishigandha w/o Mangesh Goswami ..vs.. Shri Mangesh s/o Mahadevrao Goswami)

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

Court's or Judge's Order

Ms Bhavika R. Hindustani, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 31, 2023.

Heard.

2. By preferring this application, the applicant/wife is seeking transfer of Hindu Marriage Petition No. A-1072/2022 pending before the Family Court, Nagpur to the Family Court at Bhandara.

3. As per the contention of the applicant, she is legally wedded wife of the non-applicant and their marriage was performed on 10/12/2021. After marriage, she resumed cohabitation however she was not treated well, and therefore, she constrained to leave matrimonial house. She is residing at the mercy of her parents.

4. It is further the contention of the applicant, that the applicant has to travel 90 kilometers to attend the proceeding and 90 kilometers for returning. It is her contention that since her desertion, the non-applicant has not made any provision for her maintenance, and therefore, she is unable to bear the cost of litigation. She has no source of income and hence prayed for transfer of the petition from Nagpur to Bhandara.

5. Though notice of the application is served on the non-applicant, none present on behalf of the non-applicant.

6. Perused the application. The grounds mentioned in the application is that the distance between Bhandara and Nagpur is 90 kilometers. The contention of the learned Counsel for the applicant that it is difficult for her to travel all alone 90 kilometers to attend the proceeding, is difficult to accept.

7. In the present era, the women are not treated as a weaker section. They are attending their jobs at a distance of more than 1000 kilometers also. In such circumstances, attending the proceeding at a distance of 90 kilometers is not difficult for a woman. The applicant is literate lady and it is not difficult for her to travel 90 kilometers which is very meager distance. As far as the contention regarding the provisions for her maintenance and travelling cost is concerned, she can file an appropriate application before the concerned Court for interim alimony as well as the cost of the litigation.

8. In view of the reasons mentioned above, no grounds are made out to transfer the Hindu Marriage Petition No. A-1072 of 2022 from the Family Court, Nagpur to the Family Court, Bhandara.

9. Hence, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

**Divya*