

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (TR) NO. 854/2022

Mrs. Mamta Pravin Bhalavi Vs Mr. Pravin Narayan Bhalavi

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

Court's or Judge's Order

Mr A.A. Dhawas, counsel for the applicant.

Mr J.N. Choudhari, counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/03/2023.

1. Heard.

2. The present application is filed by the applicant/wife under Section 24 of the Code of Civil Procedure for the transfer of Regular Civil Suit bearing No. 270/2022 from the file of Civil Judge, Senior Division, Gondia to Court of Civil Judge, Senior Division, Chandrapur.

3. As per the contention of the applicant/wife contending that, she is legally wedded wife of the non-applicant/ husband and their marriage took place on 11/03/2016. She had also filed the application under the provision of the Protection of Women from Domestic Violence Act, 2005 bearing Misc. Criminal Case No. 108/2020. As she left the matrimonial house due to ill-treatment at the hands of non-applicant, she preferred this application for the monitory relief which is pending in the 7th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandrapur, Dist. Chandrapur.

4. As the non-applicant has deserted her and ill-treated her, she also lodged the report and the Regular Criminal Case No. RCC 166/2022 is pending in the court of the Chief Judicial Magistrate First Class, Chandrapur.

5. The non-applicant has filed the Regular Civil Suit No. 270/2022 for declaring the marriage as null and void which is pending before the Civil Judge, Senior Division, Gondia.

6. As per the contention of the applicant, as two proceedings are already pending at the Chandrapur Court, the third proceeding be transferred to Chandrapur also. The distance between Chandrapur to Gondia is more than 250 Km., as the non-applicant has not made any provision for her maintenance. After desertion, she is unable to bear the cost of litigation, and to attend the proceedings at Gondia is an inconvenience for her and she prayed for the transfer of the proceedings from Gondia to Chandrapur.

7. The said application is opposed by the learned counsel for the non-applicant on the ground that, no ground is made out for the transfer of the proceedings. The grounds mentioned in the application are baseless. Both the proceedings are altogether different and hence the application deserves to be rejected.

8. Heard both the sides. Perused the application.

9. Learned counsel Mr A.A. Dhavas for the applicant reiterate the contentions as raised in the application.

10. Learned counsel Mr J.N. Choudhari for the sole-respondent has strongly opposed the application. Admittedly, two proceedings are pending in the Court of 7th Jt. Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandrapur Dist. Chandrapur. The distance between Chandrapur to Gondia is more than 250 km. While considering the transfer application of matrimonial proceedings, the convenience of the applicant / wife is to be taken into consideration. Taking into consideration, the convenience of the applicant/wife and as the non- applicant/husband is already attending the proceedings at Chandrapur, no prejudice will be caused to him to attend the proceedings at Chandrapur.

11. In view of that application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a) The Misc. Civil Application (Tr) No. 854/2022 is allowed.
- b) The Regular Civil Suit No. 270/2022 pending in the Court of the Civil Judge, Senior Division, Gondia be transferred to the Civil Judge, Senior Division, Chandrapur.
- c) The Civil Judge, Senior Division, Gondia shall send record and proceedings to the Civil Judge, Senior Division, Chandrapur.

- d) Parties to appear before the Civil Judge, Senior Division, Chandrapur on 27/03/2023.

JUDGE