

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

MISC. CIVIL APPLICATION (TR) NO.15 OF 2023

[Sau. Sonali W/o Sharadkumar Hamane ..V/s.. Sharadkumar S/o
Bhagwatrao Hamane]

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

Court's or Judge's order

Ms A. Sharma, Adv. h/f Mr P. R. Agrawal, Advocate for Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 25th APRIL, 2023.

. Present application is for seeking transfer of matrimonial proceedings bearing No.6 of 2022 pending before the Joint Civil Judge Senior Division, Hingoli to the file of Family Court at Amravati.

2. The transfer is sought on the ground that the marriage of the applicant and the non-applicant was performed on 27.11.2015. They have one daughter from the said wedlock. After marriage, applicant – wife resumed cohabitation, but some matrimonial dispute arose between them, and therefore, she constrained to leave the matrimonial house. Now, she is residing at the mercy of her parents. She has no source of income. The non-applicant has not made any provision for her maintenance or for her livelihood. She has already filed the proceeding under the protection from Domestic Violence Act, 2005 bearing No.74 of 2022, which is pending before the 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Amravati. The distance between Hingoli to Amravati is more than 176 kms. There is nobody to look after her minor daughter in her absence, if she attends the proceeding. She has to spend the entire day in

travelling, moreover, there is nobody to escort her to attend the proceeding. It is the further contention of the applicant – wife that she is unable to bear the cost of litigation as she has no source of income.

3. Notice of the said application though served, none appeared for the non-applicant and it appears that the non-applicant has chosen not to appear and not to contest the application.

4. Heard learned Advocate Ms Sharma. Perused the application. Her contention is supported by the copy of the application filed under the provision of Domestic Violence Act, 2005 as well as the copy of the Hindu Marriage Petition. There is no dispute that the distance between Hingoli to Amravati is more than 176 kms. Nothing is on record to show that non-applicant has made any provision for her maintenance or for her livelihood.

5. Considering she has no source of income, nobody is in the family to escort her to attend the proceeding and there is nobody to look after the minor daughter, the application deserves to be allowed. Additionally, it is well settled that while considering the transfer application in matrimonial proceedings, the convenience of the applicant - wife is to be looked into.

6. In view of the above, I proceed to pass the following order :

ORDER

- i) Civil Application is **allowed**.
- ii) The Petition bearing No.6 of 2022 pending before the Joint Civil Judge Senior Division, Hingoli be

transferred to the Family Court at Amravati.

iii) The Joint Civil Judge Senior Division, Hingoli shall send the record and proceedings to the Family Court at Amravati for adjudication.

iv) The parties to appear before Amravati Court on 06.06.2023.

7. The civil application is disposed of accordingly.

JUDGE.