



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

MISC. CIVIL APPLICATION NO.10 OF 2024

Mrunmayee W/o Nikhil Londhe Vs. Nikhil s/o Narendra Londhe

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

Court's or Judge's orders.

Shri Prakash Naidu, Advocate for applicant.
Shri B.T. Parwe, Advocate for non-applicant.

CORAM : M.W. CHANDWANI, J.

DATE : APRIL 24, 2024.

Heard the learned Counsel for the applicant-wife and
the learned Counsel the non-applicant/husband.

2. By invoking the jurisdiction of this Court under
Section 24 of the Code of Civil Procedure, the applicant
seeks transfer of Hindu Marriage Petition No.A-973 of 2023
pending on the file of the learned Judge, Family Court No.1,
Pune to the Court of learned Judge, Family Court No.2,
Nagpur.

3. The applicant is the wife of the non-applicant. It is
contended that the non-applicant deserted the applicant for
the reasons unknown and the non-applicant and his family
members have meted utmost mental, emotional and
financial cruelties upon the applicant. The non-applicant and
his family members tortured her and disrespected and
disgruntled for non-fulfillment of demand of dowry. It is also
contended that even after timely intervention of the parents

of the applicant to reconcile the differences however the non-applicant and his family members were stuck on the applicant and her family to fulfill their illegal demand of dowry ousted the applicant out of the house for non-fulfillment of the illegal demand. Since then the applicant is residing at the parents house. Due to constraint situation, the applicant has filed a petition for divorce before the Family Court No.2, Nagpur. The applicant has no source of income and no one to escort her to attend the proceedings filed by the non-applicant at Pune. The distance between Pune and Nagpur is near about 760 km and therefore it would be inconvenient for her to attend the Court proceedings at Pune. Therefore, she seeks transfer of the marriage petition from the Pune to Nagpur.

4. Learned counsel for the non-applicant opposed the application and sought rejection of the same.

5. The applicant is residing with her parents. Traveling to Pune, which is near about 760 kms. away from Nagpur, will be difficult for the applicant physically as well as financially. It is brought to the notice of this Court that the non-applicant has filed an application vide P.A.No.443/2023 before the Family Court, Nagpur for appearance through video conferencing to defend the pending proceedings filed by the applicant. Even, in the present proceedings the non-applicant can appear through Video Conferencing before the Family Court No.2, Nagpur, if such facility is available there.

6. In these peculiar circumstances and in view of the ratio laid down by this Court in the case of Sangamitra w/o Ramakant Royalwar vs. Ramakant s/o Gangaram Royalwar **[2008 (6) ALL.MR.1]** and also in view of the recent verdict of the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha* **[2022 LiveLaw (SC) 627]**, wherein it has been held that the convenience of the wife must be looked at, a case is made out for transferring the proceedings filed by the non-applicant from Pune to Nagpur. Hence, the following order:

ORDER

- I. The application is allowed.
- II. Hindu Marriage Petition No.A-973/2023 pending on the file of the Court of learned Judge, Family Court No.1, Pune is directed to be transferred to the Court of learned Judge, Family Court No.2, Nagpur.
- III. The non-applicant may attend the proceedings before the learned Judge, Family Court No.2, Nagpur through video conferencing, if the said facility is available by moving an application in this behalf to the said Court on the date, where his physical presence is not required.
- IV. The application is disposed of in above terms.

JUDGE

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