



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

MISC. CIVIL APPLICATION [TR] NO. 42 OF 2024

Sau. Komal w/o Abhijeet Chavan,
Aged 34 years, Occ. Household,
C/o. Rajesh Laxmanji Dendule,
R/o. Near Kalimata Mandir,
Aurangpura, Amravati,
Tah. and Dist. Amravati-444 601. .. Applicant

.. Versus ..

Abhijeet s/o Onkar Chavan,
Aged 38 years, Occ. Private Service,
R/o. Beside Sundar Hotel,
Gurudwara Gate No.1, Nanded,
Tah. and District-Nanded. .. Respondent

.....
Mr. Sawan Alaspurkar, Advocate for Applicant,
Mr. A.D. Tote, Adv. with Ms. Manisha Kulkarni, Advocate for
Respondent. ..

CORAM : M.W. CHANDWANI, J.
DATE : 08/03/2024.

JUDGMENT :

1. Heard. **Admit.**

2. By this application under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Petition No. A-183/2023 pending on the file of Family Court at Nanded, District-Nanded to Family Court at Amravati, District-Amravati.

3. It is contended on behalf of the applicant that the marriage of the applicant and the respondent was solemnized on 29/12/2018 at Amravati as per the Hindu Customs and rights prevailing in their community. Out of said wedlock, they have blessed with a male child. It is also contended that due to harassment and torture at the hands of the respondent and family members, the applicant was constrained to go to maternal place at Amravati. The respondent has filed proceedings under Section 9 of the Hindu Marriage Act, 1955 for restitution of Conjugal Rights at Nanded. The applicant is residing with her parents at Amravati. The distance between Nanded and Amravati is 270 k.m. It is contended that it is inconvenient for the applicant to attend the proceeding at Nanded. Therefore, the applicant seeks to transfer the proceedings at Nanded.

4. Heard the learned counsel for the applicant and the learned counsel for the respondent. I have gone through the record.

5. The learned counsel for the respondent objected for transferring the proceeding at Amravati from Nanded.

6. The distance between Amravati to Nanded is 270 k.m. It requires about 6 hours journey to reach Nanded. After attending the court, the applicant has to come back alone to Amravati late night. The applicant has minor child. Since her parents are old, it will be inconvenient for her to attend the Court at Nanded. The Apex Court in the case of **N.C.V. Aishwarya .vs.**

A.S. Saravana Karthik Sha, in para 9 has observed as under :

9. The cardinal principle for exercise of power under [Section 24](#) of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society,

generally, it is the wife's convenience which must be looked at while considering transfer.

7. Considering the present position of the applicant and observations of the Supreme Court in the case of **N.C.V. Aishwarya** (supra), that the wife's convenience is to be looked into while considering the transfer application. In my view, a case is made out for transfer of Petition No. A-183/2023 pending on the file of Family Court at Nanded, District-Nanded to Family Court at Amravati, District-Amravati. Hence, I pass the following order :

(i) Petition No. A-183/2023 is ordered to be transferred from the Court of Family Court at Nanded, District-Nanded to Family Court at Amravati, District-Amravati.

(ii) The respondent would be at liberty to appear before the Family Court at Amravati through video conferencing upon an application made in that behalf to the Family Court at Amravati.

(iii) In the aforesaid terms, MCA is allowed and disposed of.

(M.W. Chandwani, J.)