



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

MISC CIVIL APPLICATION (MCA) NO.33 OF 2024

Sau Bhavna W/o. Vivek Rathod

.Vs.

Vivek Devidas Rathod

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

Mr A. S. Thotange, Advocate for the applicant
None for the respondent

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 13, 2024

This is an application for transfer of petition bearing No. 368 of 2023 pending on the file of Family Court, Pune to the Court of Civil Judge Senior Division, Akot.

2. It is stated that the applicant is residing with her mother at Telara. She is a housewife. She has no source of income. The non-applicant has filed the proceeding for divorce before the Family Court at Pune. The distance between Telara and Pune is 650 KM. The applicant has no source of income. She is finding it very difficult to travel to Pune to attend this case. The non-applicant is doing service. He has not made any provision for her maintenance.

3. Learned Advocate for the applicant has filed on record the affidavit of service of notice of this proceeding to the non-applicant by email. The screenshot of the relevant details of the email is attached with the affidavit.

4. I have heard the learned Advocate for the applicant. Perused the record and proceedings.

5. Undisputedly, the husband and wife, on account of matrimonial discord, have separated. The applicant-wife is residing at Telara with her mother. The non-applicant-husband is residing at Pune. The applicant-wife is not doing any service. It is stated that she has no means to maintain herself. The difficulties faced by her while attending the proceeding at Pune have been set out in the application. In my view, the inconvenience caused or likely to be caused to the applicant cannot be overlooked in this proceeding. Besides, the non-applicant has failed to appear before this Court. The averments made in the application have gone unchallenged and uncontroverted. On going through the record I am satisfied that this is a fit case to grant the prayer for transfer. Hence, the following order:

ORDER

- (1) The Misc. Civil Application is allowed.
- (2) The marriage petition bearing No.368 of 2023 pending on the file of Family Court, Pune be transferred to the Court of Civil Judge Senior Division, Akot.
- (3) The civil application stands **disposed of**, accordingly. No order as to costs.

(G. A. SANAP, J)

Namrata