



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

MISC. CIVIL APPLICATION (TR) NO.91 OF 2024

[Kamini W/o Rahul Uttarwar **..Vs..** Rahul S/o Suresh Uttarwar]

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

Court's or Judge's order

Ms R. Mishra, Advocate (Appointed) for Applicant.

CORAM : M. W. CHANDWANI, J.

DATE : 8th MAY, 2024.

. Heard.

2. **Admit**

3. By this application, the applicant seeks transfer of H.M.P. No.99 of 2023, pending before the Court of the learned Joint Civil Judge Senior Division, Gadchiroli, District Nagpur to the Court of the learned Joint Civil Judge Senior Division, Umred, District Nagpur.

4. The contention is that the marriage between the applicant-wife and non-applicant-husband was solemnized on 25.04.2018 at Aalapalli, District Gadchiroli, as per the Hindu Rites and Customs. After few months of marriage, the non-applicant and his family members started harassing the applicant and disturbed the peaceful life of the applicant. Due to which, she left the matrimonial home and started to reside with her parents at Nagpur. Out of their wedlock, a son was born to them. The further contention is that the applicant has appeared before the Court at Gadchiroli and filed her written statement and the matter is fixed for

hearing. The applicant has not filed any application against the non-applicant for grant of interim maintenance. However, the non-applicant has filed H.M.P. No.99 of 2023, which is still pending before the Court of the learned Joint Civil Judge Senior Division, Gadchiroli, for which transfer is sought.

5. Heard Ms Mishra, learned appointed counsel for the applicant and perused the record.

6. Though, the non-applicant is served, none appears on his behalf. Therefore, the averments made in the application went un-controverted.

7. The distance between Gadchiroli and Umred is 267 Kms. The Applicant has a minor male child, who has to be taken care of at Umred. Travel from Umred to Gadchiroli i.e. 267 Kms two ways every time, when the matter is listed for hearing would not only cause undue hardship, but also inconvenience to the applicant.

8. 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, a case is made out for transferring the said proceedings from Gadchiroli to Umred. Hence, the following

order:-

ORDER

- i) The application is **allowed**.
 - ii) The proceedings bearing Hindu Marriage Petition No.99 of 2023, pending in the Court of the learned Joint Civil Judge Senior Division, Gadchiroli, is transferred to the Court of the learned Joint Civil Judge Senior Division, Umred, District Nagpur.
9. The fees of appointed counsel be given as per the Rules.
10. The application is disposed of, in above terms.

(JUDGE)