



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

Civil Application [MCA] No.133 of 2024

Sandhya w/o Shridhar Dhandare @ Sanshya d/o Pundalik Bhade
vs.
Shridhar s/o Vishwasrao Dhandare

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

Court's or Judge's Orders

Mr. A.R. Saxena, Advocate for the Applicant.
Mr. R.A. Biranware, Advocate for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.
DATE : 30th APRIL, 2024.

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

02] By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Divorce Petition bearing No.A-40 of 2023, pending on the file of the Family Court at Bhandara to the Court of learned Civil Judge Senior Division, Hinganghat, District Wardha.

03] The applicant is the wife of the non-applicant. Out of said wedlock, they are having a male child aged about 2 years. It is contended that, owing to some differences arose in the marriage, the applicant was constrained to leave her matrimonial house and took shelter at her parental house situated at village Lonar, where she is currently residing with her minor child. It is also contended that the crux of the differences was persistent demand of dowry made by the non-applicant and his family members. The applicant, therefore, filed complaint against the non-applicant and his family members under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal

Code and also filed proceedings under Section 125 of the Code of Criminal Procedure before the Court at Samudrapur for grant of maintenance. The non-applicant also filed Divorce Petition before the Family Court at Bhandara, which is sought to be transferred by the present application.

04] The non-applicant has resisted the application by filing his reply and sought rejection of the transfer application.

05] The applicant is a lady and having a minor child of two years. Since the distance between Bhandara and Lonar is near about 135 kms., it would be very inconvenient for the applicant physically as well as financially to travel along with her minor child for attending the proceedings filed by the non-applicant before the Family Court at Bhandara. The non-applicant, who has to appear in the proceedings before the Court at Samudrapur, can also appear before the Court at Hinganghat, which is just 25 kms away from Sumudrapur. Even otherwise, he can appear through Video Conferencing before the Court at Hinganghat, if such facility is available there.

06] 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 Bhandara to Hinganghat. Hence, the following order:

ORDER

I. The application is allowed.

- II. Hindu Marriage Petition No.A-40/2023 pending on the file of the Court of learned Judge, Family Court at Bhandara is directed to be transferred to the Court of learned Civil Judge Senior Division, Hinganghat, District Wardha.
- III. Both the parties are directed to appear before the Court of learned Civil Judge Senior Division, Hinganghat on 10th May, 2024.
- IV. The non-applicant may attend the proceedings before the Court of Civil Judge Senior Division, Hinganghat 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.
- V. The application is disposed of in above terms.

JUDGE

**sandesh*