



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

WRIT PETITION NO.1179 OF 2024

Sudhir S/o Murlidhar Makhare .Vs. Sunita W/o Sudhir Makhare

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms P.M. Mane, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 21/02/2024

1. The Hindu Marriage Petition No.48 of 2023 came to be transferred from Mehkar to Buldhana vide impugned order dated 24.01.2024 on the ground of convenience of wife, as per the law laid down by the Hon'ble Supreme Court of India in the case of *N.C.V. Aishwarya ..vs.. A.S. Saravana Kathik Sha*, reported in **AIR 2022 SC 4318**.

2. Thus, considering the reason for transfer of Hindu Marriage Petition proceeding and further that nothing is pointed out to arrive at a conclusion that there is any perversity or illegality committed by the learned Principal District Judge, I do not find any reason to interfere with the impugned order.

3. As far as the medical documents filed by the petitioner to demonstrate his illness, are concerned, the last

document is of 2018 and there is no recent documents filed on record showing that, the petitioner is not medically fit to travel a distance of 70 km i.e. the distance between the Mehkar and Buldhana. Hence, I am not inclined to interfere with the order on this ground also.

4. The another ground on which the learned counsel for the petitioner is pressing for setting aside the order is that, the respondent has performed second marriage without there being any decree of divorce.

5. The said ground is also does not make the respondent disentitled to claim transfer of proceeding in view of the well settled principle of law as discussed in the judgment of *N.C.V. Aishwarya* (Supra).

Accordingly, the writ petition is **dismissed**.

JUDGE