



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

MISC. CIVIL APPLICATION NO.209 OF 2024

Aarti Ashish Singh Vs. Ashish Rajesh Singh

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

Court's or Judge's orders.

Shri R.U. Tambe, Advocate for applicant.
None for non-applicant.

CORAM : M.W. CHANDWANI, J.

DATE : APRIL 24, 2024.

Heard the learned Counsel for the applicant-wife.

2. By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Hindu Marriage Petition No.A-787 of 2022 pending on the file of the learned Principal Judge, Family Court, Nashik to the Family Court, Nagpur.

3. The applicant is the wife of the non-applicant. Out of said wedlock, they are having a son, aged about 4 years. It is contended that the applicant and non-applicant stayed at Pune till 2020 and thereafter they came to Nagpur. Thereafter, the applicant and non-applicant stayed in rented house at Nagpur and after Covid-19 pandemic, the non-applicant rejoined his company at Bangalore. Thereafter, the non-applicant used to visit Nagpur on holidays. In the month of January, 2023, there were some quarrel between the applicant and non-applicant due to which the non-applicant

left the company of the applicant. In spite of timely intervention of the parents of the applicant, the non-applicant has filed proceedings for divorce at Nashik. The applicant along with her son are residing with her parents at Nagpur. It is contended on behalf of the applicant that there is no one in her parental family to accompany her to Nashik for attending the proceedings filed by the non-applicant. It is also contended that since the distance between the Nashik and Nagpur is near about 700 kms., it would be very inconvenient for the applicant to travel such a long distance along with her 4 year old son. Therefore, she seeks transfer of the marriage petition from the Nashik to Nagpur.

4. In spite of the service of notice the non-applicant has chosen not to contest the application.

5. The applicant is having a minor son of 4 years. The applicant is residing with her parents. Traveling to Nashik, which is near about 700 kms. away from Nagpur, will be difficult for the applicant physically as well as financially by leaving her minor children. The non-applicant otherwise has to visit Nagpur to defend the pending proceedings filed by the applicant. Even, the non-applicant can appear through Video Conferencing before the Court at Nagpur, if such facility is available there.

6. 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 Nashik to Nagpur. Hence, the following order:

ORDER

- I. The application is allowed.
- II. Hindu Marriage Petition No.A-787 of 2022 pending on the file of the learned Principal Judge, Family Court, Nashik is directed to be transferred to the Family Court, Nagpur.
- III. The non-applicant may attend the proceedings before the learned Family Court, Nagpur 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.
- IV. The application is disposed of in above terms.

JUDGE

Wagh