



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

MISC CIVIL APPLICATION (MCA) NO.242 OF 2024

Bhagyashri Tanmay Fule

.Vs.

Tanmay S/o. Rameshwar Fule

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

Mr Mohd. Inamul Haque, Advocate for the applicant
None for the non-applicant

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 20, 2024

Heard learned Advocate for the applicant. The non-applicant is absent.

2. This is an application for transfer of Special Marriage Petition No. 10 of 2023 pending on the file of District Judge-15 and Additional Sessions Judge, Nagpur to the District Court at Gondia.

3. It is stated that the applicant, on account of matrimonial discord with her husband, is residing at Gondia with her parents. She has no source of income. During her stay with the non-applicant, she was subjected to unbearable cruelty and ill-treatment. She has filed a petition for divorce before the District Court at Gondia. It is stated that the husband has also filed a petition for

restitution of conjugal rights before the District Court at Nagpur. The applicant is residing with her parents. She has no independent source of income. She alone cannot come to Nagpur to attend the proceeding. The husband otherwise would be required to attend the proceeding filed by the applicant at Gondia.

4. The non-applicant-husband is duly served. On the last occasion, one advocate appeared for him. However, the advocate has not filed the vakalatnama.

5. I have heard the learned Advocate for the applicant. Perused the record and proceedings. The averments made by the applicant in her application have gone unchallenged and uncontroverted. There is hardly any dispute about the proceeding filed by the parties against each other. The parties would therefore be required to attend those proceedings. The non-applicant husband would in any case be required to attend the proceeding filed by the wife in the District Court at Gondia for divorce. In my view, the transfer of proceeding to one Court would be in the interest of both parties. In such a proceeding, the Court has to consider the convenience of the wife. The wife in the application has set out the specific grounds. In view of the grounds

stated in the application, I am of the view that the application deserves to be allowed. Hence, the following order-

ORDER

- (1) The Misc. Civil Application is allowed.
- (2) The Special Marriage Petition bearing No. 10 of 2023 pending on the file of District Judge-15 and Additional Sessions Judge, Nagpur be transferred to the District Court at Gondia.
- (3) The civil application stands **disposed of**, accordingly. No order as to costs.

(G. A. SANAP, J)

Namrata