



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

MISC. CIVIL APPLICATION (TR) NO.363 OF 2023

APPLICANT : Sandhya Ashish More
Aged about : 29 years, Occupation :
Housewife, R/o. Hatedi Bk., Tah and Dist
Buldhana

..VERSUS..

RESPONDENT : Ashish S/o Janaradhan More
Aged about 39 years, Occupation :
Service, R/o QTR No.1/162, Shantinagar,
Vidhaarbha Housing, Board Colony
Nagpur.

Mr R. V. Gahilot, Advocate for Applicant.
Mr N. R. Tekade, Advocate for Respondent.

CORAM : **M. W. CHANDWANI, J.**

DATE : **20th MARCH, 2024.**

ORAL JUDGMENT

. Heard.

2. **Admit.**

3. This is an application under Section 24 of the Civil Procedure Code for transfer of Petition No.3 of 2020, filed by the respondent against the applicant, from the file of the learned District Judge-3 and Additional Sessions Judge, Nagpur to the

Family Court at Buldhana.

4. Mr Gahilot, learned counsel appearing for applicant submits that the marriage of the applicant/wife and respondent/husband was solemnized on 19.03.2010 at “Sub Registrar Office” Buldhana, as per the law. However, the husband and his family members started misbehaving and harassing the applicant/wife on the count of dowry and other illegal demands, due to which, the applicant is presently residing with her parents at Buldhana.

5. The learned counsel for applicant further submits that the applicant has filed a complaint viz. Misc. Criminal Application No.89 of 2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, before the learned 7-JMFC-II at Buldhana for the harassment meted out to her by the respondent and his family members.

6. It is contended that merely with an intention to harass the present applicant, as there is no male family member to support the applicant, the respondent filed an application bearing Special Marriage Petition No.3 of 2020 for Divorce under

Section 27 of the Special Marriage Act, 1954, before the learned District Judge at Nagpur, which is still pending, for which transfer is sought.

7. Heard Mr Gahilot, learned counsel for applicant and Mr Tekade, learned counsel for respondent. I have perused the record.

8. It is contended that the applicant is living at the mercy of her parents at Buldhana. The applicant is not in a position to bear to and fro expenses of her traveling for attending the proceedings of divorce filed by the respondent against her at Nagpur. The applicant is a housewife having no source of income and would be inconvenienced by travelling 374 Kms from Buldhana to Nagpur by public transport, which would cause her undue hardship. Hence, she seeks transfer of the said application from the Court of the learned District Judge-3 and Additional Sessions Judge, Nagpur to the Family Court at Buldhana.

9. It is seen from the record that the applicant is living at the mercy of her parents. There is no male family member to support her. The distance between Buldhana and Nagpur is more

than 370 Kms and it requires at least eight hours to travel from Buldhana to Nagpur and after attending the case, she has to return back to Buldhana in evening. She is required to incur expenses for traveling to and fro from Buldhana to Nagpur to attend the said proceeding. The respondent otherwise has to visit Buldhana to defend the pending proceedings filed by the applicant. Hence, no prejudice will be caused if the proceeding, filed by the respondent against the applicant, is transferred from Nagpur to Buldhana.

10. 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 Nagpur to Buldhana. Hence, the following order:-

i) The application is **allowed**.

ii) The proceedings bearing Petition No.3/2020, pending on the file of the learned District Judge-3 and Additional Sessions Judge, Nagpur, is transferred to the Family Court at Buldhana.

iii) Both the parties are directed to appear before the concerned Court at Buldhana on 30.04.2024.

(M. W. CHANDWANI, J.)