



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

Civil Application [MCA] No.490 of 2022

Sau. Arti @ Megha w/o Shyam Jungade vs. Shyam s/o Jagannathji Jungade

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

Court's or Judge's Orders

Mr. Yogesh Mandpe, Advocate for the Applicant.

Mr. M.N. Ali, Advocate for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 11th JANUARY, 2024.

Heard the learned Counsel for the parties.

02] The applicant seeks transfer of H.M.P. No.219/2020 pending on the file of the Court of 6th Joint Civil Judge Senior Division, Wardha to the Family Court at Nagpur.

03] The applicant is the wife of the non-applicant. A male child was born out of the said wedlock. The applicant and the non-applicant are residing separately. The applicant filed petition for grant of maintenance before the Family Court at Nagpur, which is pending. The non-applicant also filed divorce petition vide H.M.P. No.219/2020 for dissolution of marriage.

04] It is contended on behalf of the applicant that the non-applicant through his relative used to pressurize the applicant for divorce and even used to threaten. The applicant is having a male child of four years, who is not attending the school due to negligence by the non-applicant. If the applicant proceeds to Wardha for attending the proceedings filed by the non-applicant, there will be nobody to take care of the safety of her person so also of her child. A petition is already pending before the Family Court at Nagpur. Hence, she seeks transfer of the petition from the Court of Civil Judge Senior Division, Wardha to the Family Court at Nagpur.

05] *Per contra*, the learned Counsel for the non-applicant objected the application on the ground that the distance between Nagpur and Wardha is about 95 kms. and the applicant is ready to pay to and fro charges to the applicant for attending the proceedings at Wardha. Therefore, the proceedings are not required to be transferred from Wardha to Nagpur. He, therefore, sought rejection of the application.

06] The applicant is having a four years old child, who is taking education at Nagpur. The applicant has to take care of her son. The applicant's father is no more. Though, the distance between Nagpur and Wardha is 95 kms., the facts remain that there is nobody to accompany the applicant for attending the court proceedings at Wardha. It will also be inconvenient for the applicant to leave her minor child at Nagpur, in case she proceeds to Wardha for attending the proceedings. On the other hand, the non-applicant otherwise also has to attend the proceedings at Nagpur.

07] In these peculiar circumstances, a case is made out for transferring the proceedings filed by the non-applicant from Wardha to Nagpur. Hence, the following order :

- I. The application is allowed.
- II. Petition bearing H.M.P. No.219/2020 filed by the non-applicant on the file of 6th Joint Civil Judge Senior Division, Wardha is directed to be transferred to the Family Court at Nagpur.
- III. Both the parties are directed to appear before the Family Court at Nagpur on 12th February, 2024.
- IV. The application is disposed of accordingly.

JUDGE