



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

MISC. CIVIL APPLICATION (TR) NO.487 OF 2023

(Rupali w/o Vikram Satpute Vs. Vikram s/o Ashok Satpute)

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

Court's or Judge's orders.

Mr. S. B. Gandhe, Advocate for Applicant.
Mr. A. S. Thotange, Advocate for Non-Applicant.

CORAM: M. W. CHANDWANI, J.

DATE: 30th JANUARY, 2024.

Heard the learned Counsel appearing for the applicant/wife and the learned Counsel appearing for the non-applicant/husband.

2. By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Petition No.A-905/2022 pending on the file of the learned Judge, Family Court, Nashik to the learned Judge, Family Court at Amravati.

3. It is contended on behalf of the applicant that the applicant has no source of income. Due to poor financial position, the applicant is not in a position to bear to and fro expenses of her travelling for attending the proceedings filed by non-applicant at Nashik. Hence, she seeks transfer of the petition from the learned Judge, Family Court at Nashik to the learned Judge, Family Court at Amravati.

4. Per contra, learned counsel for the non-applicant submits that the non-applicant is ready to provide the to and fro expenses to the applicant for attending the Court at Nashik. Hence, sought rejection of the application.

The applicant is residing at Amravati at the mercy of her parents. The distance between Amravati and Nashik is 486 Kms. The non-applicant in his petition has contended that the applicant is suffering from the mental illness. If that is so travelling alone from Amravati to Nashik will not be safe for the applicant.

5. 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 non-applicant from Nashik to Amravati. Hence, the following order:

- i. The application is allowed.
- ii. Petition bearing No.A-905/2022 filed by non-applicant on the file of the learned Judge of the Family Court at Nashik is directed to be transferred to the learned Judge of the Family Court at Amravati.

iii. Both the parties are directed to appear before the learned Judge of the Family Court at Amravati on 26th February, 2024.

6. The application is disposed of accordingly.

JUDGE

NSN