



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

**Civil Application [MCA] No.797 of 2023**

***Smt. Shweta w/o Pravin Chothe vs. Shri Pravin s/o Ramchandra Chothe***

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

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*Mr. Sanjay Tijare, Advocate for the Applicant.*  
*None for the Non-Applicant.*  
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**CORAM : M.W. CHANDWANI, J.**  
**DATE : 15<sup>th</sup> JANUARY, 2024.**

Heard the learned Counsel appearing for the applicant. None appears for the non-applicant, though he is duly served.

02] By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of H.M.P. No.175/2020 pending on the file of the Court of Joint Civil Judge Senior Division, Vita, Taluka Khanapur, District Sangali to the Court of Civil Judge Senior Division, at Chandrapur.

03] The applicant is the wife of the non-applicant. Out of said wedlock, a female child was born. The applicant and the non-applicant are residing separately. The applicant filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 for grant of maintenance against the non-applicant before the Court of Judicial Magistrate First Class, Chandrapur, which is still pending. The non-applicant also filed divorce petition vide H.M.P. No.175/2020 for dissolution of marriage before the Court of Civil Judge Senior Division, Vita, District Sangali.

04] It is contended on behalf of the applicant that the non-applicant with a view to harass the applicant, filed divorce petition on the fake and baseless allegations before the Court at Vita, District Sangali.

The applicant has no independent source of income. Due to poor financial position, the parents of the applicant are not in a position to bear the to and fro expenses of her travelling for attending the proceedings filed by the non-applicant at Vita, District Sangali. Hence, she seeks transfer of the petition from the Court of Civil Judge Senior Division, Vita, District Sangali to the Competent Court of Civil Judge Senior Division at Chandrapur.

05] Though the non-applicant is duly served, he chooses to remain absent and not to contest the application.

06] The applicant is having a minor female child of six years old viz. Kiyara. They both are totally dependent on the parents of the applicant. The applicant is having some health issues. Travelling to Vita, District Sangali, which is near about 725 kms. away from Chandrapur and which does not have direct mode of conveyance, will be difficult for the applicant by leaving her minor child. The non-applicant otherwise has to visit Chandrapur to defend the pending proceedings.

07] In these peculiar circumstances and in view of the decision of this Court in the case of *Sangamitra w/o Ramakant Royalwar vs. Ramakant s/o Gangaram Royalwar – 2008 (6) ALL.MR.1*, a case is made out for transferring the proceedings filed by the non-applicant from Vita, District Sangali to Chandrapur. Hence, the following order :

- I. The application is allowed.
- II. Petition bearing H.M.P. No.175/2020 filed by the non-applicant on the file of the learned Joint Civil Judge Senior Division, Vita, District Sangali is directed to be transferred to the Competent Court of Civil Judge Senior Division at Chandrapur.

- III. Both the parties are directed to appear before the Competent Court at Chandrapur on 15<sup>th</sup> February, 2024.
- IV. The application is disposed of accordingly.

**JUDGE**

*\*sandesh*