



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

MISC. CIVIL APPLICATION (TR) NO.654 OF 2022

(Smt. Trupti w/o Paresh Deshmukh Vs. Paresh s/o Panjabrao Deshmukh)

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

Court's or Judge's orders.

Mr. Ram D. Karode, Advocate with Mr. D. N. Mudgale, Advocate and
Mr. Nilesh Tikar, Advocate for Applicant.
Ms. M. P. Kshirsagar, Advocate for Non-Applicant.

CORAM: G. A. SANAP, J.

DATE: 20th JULY, 2024.

This is an application for transfer of Hindu Marriage Petition No.187/2022, filed by the non-applicant in the Court of Joint Civil Judge, Senior Division, Khamgaon, District Buldhana, to the Court of Civil Judge, Senior Division, Mangrulpir, District Washim.

2. It is stated that, due to the matrimonial discord, the applicant, with her eight years old daughter, has been residing with her parents at village Kawthal, Tahsil Mangrulpir, District Washim. She has no source of income. She is unable to maintain herself. She is unable to travel all the way to Khamgaon from Mangrulpir alone for attending the said proceeding. Three more proceedings filed by the applicant against the non-applicant are pending in the Courts at Mangrulpir. It is submitted that, in any case, the non-applicant would be required to attend the proceedings

at Mangrulpir. The applicant has to take care of her eight years old daughter. Her father is not financially well off to take care of all her needs. It is submitted that, therefore, the said proceeding be transferred as prayed.

3. The non-applicant has filed the reply and contended that he is not keeping good health. He is suffering from schizophrenia. He cannot travel alone on account of his illness. It is further stated that the applicant, without any reason, has abandoned the company of the non-applicant. The proceedings filed by the applicant at Mangrulpir Court are false and frivolous. It is stated that, on the grounds stated in the application, the proceeding cannot be transferred.

4. Heard the learned Advocates for the parties. Perused the record and proceedings.

5. So far, there is no order directing the non-applicant to pay maintenance to the applicant. The applicant is residing with her parents. She has no source of income. She depends on her parents. The learned Advocate for the non-applicant submits that the non-applicant will make the provision for to and fro journey from Mangrulpir to Khamgaon as and when the applicant is required to attend the Court. In my view, this would not be the solution to the main problem of the applicant. The non-applicant, in any case, would be required to come to Mangrulpir for attending three cases pending against him

in the Courts at Mangrulpir. In such a matter, the Court has to bear in mind the convenience of the wife. It needs to be stated that, in the above backdrop, there shall be no inconvenience to the non-applicant to attend the Court at Mangrulpir in case of transfer of the petition from the Court at Khamgaon. The facts stated by the applicant, in my view, are sufficient to grant the indulgence of the nature sought for by the applicant. The distance between Mangrulpir to Khamgaon is 125 km. One can imagine the hardships of the applicant in case she is required to attend the Court at Khamgaon. It needs to be stated that schizophrenia is not a serious disease, which can incapacitate a person from moving one place to another. In the facts and circumstances, I am of the view that there is substance in the application. Hence, the following order:

ORDER

- i] The application is allowed.
- ii] Hindu Marriage Petition No.187/2022, pending on the file of Joint Civil Judge, Senior Division, Khamgaon, District Buldhana, be transferred to the Court of Civil Judge, Senior Division, Mangrulpir, District Washim, for decision in accordance with law.
- iii] The Principal District and Sessions Judge, Buldhana, shall withdraw the said petition from the Court of Civil Judge (Senior

Division) and transfer it to the Principal District and Sessions Judge, Washim. The Principal District and Sessions Judge, Washim, on receipt of the file, shall assign the same to the Court of Civil Judge (Senior Division), Mangrulpir.

- iv] The application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)