



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

MISC. CIVIL APPLICATION [TR] NO. 957 OF 2023

Sau. Achal Jayant Bire,
Aged about 23 years,
Occupation : Household,
R/o. C/o. Sharad Laxman Bhoyar,
Borgaon Aloda, Tah. Deoli,
District-Wardha. .. Applicant

.. Versus ..

Jayant s/o Yuvraj Bire,
Aged about 35 years,
Occupation : Cultivator,
R/o. Kasarkheda (Raipur),
Tah. Dhamangaon Railway,
District-Amravati. .. Respondent

.....
Mr. S.P. Chavhan, Advocate for Applicant,
Mr. S.B. Gandhe, Advocate for Respondent.
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CORAM : M.W. CHANDWANI, J.
DATE : 06/03/2024.

JUDGMENT :

1. Heard. **Admit.**

2. By this application under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of the Hindu Marriage Petition (HMP) No.258/2023 pending on the file of Civil Judge, Senior Division, Amravati, District-Amravati to Civil Judge, Senior Division, Wardha.

3. The contention of the learned counsel for the applicant is that for a few days after marriage, the respondent treated her properly, but thereafter started harassing her on one pretext or another. Apprehending danger to her life and limb and to the welfare of the minor daughter, the applicant was compelled to seek shelter at her parent's house at Borgaon (Aaloda) from 30.09.2022. The applicant has filed a complaint of domestic violence against the respondent and his parents under the Protection of Women From Domestic Violence Act, 2005 at Wardha. The said litigation is pending. The respondent, after receiving intimation about the litigation at Wardha has deliberately, as a counter blast, filed a petition under Section 13 (1)(i-a) of the Hindu Marriage Act against the applicant in the court of Civil Judge, Senior Division, Amravati seeking divorce.

4. The applicant submits that there is no direct bus or train from Boregaon (Aaloda) to Amravati and the journey via Wardha takes more than 3-4 hours. The applicant has a minor daughter and she requires at least one companion on each date along with her daughter to attend the case at Amravati to contest the same. The applicant has no independent source of income. It is difficult for her to contest the case at Amravati by travelling from Wardha and engaging a counsel. The applicant is unable to bear the travelling, livelihood expenses and medical expenses and has no source of income to manage such expenses. The distance between Boregaon (Aaloda) and Amravati is 150 k.m. It is contended that it is inconvenient for the applicant to attend the proceedings at Amravati. Therefore, the applicant seeks to transfer the proceedings at Wardha.

5. Heard the learned counsel for the applicant and the learned counsel for the respondent. I have gone through the record.

6. The learned counsel for the respondent objected for transferring the proceedings at Wardha and seeks rejection of the application.

7. The applicant has a minor child and, therefore, it will be inconvenient for her to attend the court at Amravati leaving her minor child. Further, after attending the court, the applicant has to return back to Borgaon in late evening. 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 Amravati to Wardha. Hence, the following order :

8. In view of above, the application is allowed.

9. Hindu Marriage Petition No.258/2023 pending on the file of Civil Judge, Senior Division, Amravati is hereby transferred to the Court of the Civil Judge, Senior Division, Wardha.

10. The respondent is at liberty to appear before the Civil Judge, Senior Division, Wardha through video conferencing.

11. The application is disposed of accordingly.

(M.W. Chandwani, J.)