



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

Civil Application [MCA] No.951 of 2023

Yogini w/o Yashwant Soman

vs.

Mr. Yashwant @ Mandar Prakash Soman

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

Court's or Judge's Orders

Mr. K.N. Jain, Advocate for the Applicant.

Mr. N.R. Bhishikar, Advocate for the Non-Applicant.

CORAM : **M.W. CHANDWANI, J.**

DATE : **24th APRIL, 2024.**

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

02] By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Hindu Marriage Petition No.A-1503 of 2023, pending on the file of the learned Judge, Family Court at Pune to the Court of learned Judge, Family Court at Nagpur.

03] The applicant is the wife of the non-applicant. Out of said wedlock, they are having a son, aged about 20 years. It is contended that, owing to enormous expectations of the non-applicant from the applicant, the non-applicant used to spoil the congenial atmosphere at home by ill-treating and torturing the applicant. The mother of the non-applicant also used to humiliate and harass the applicant by restricting her entry in the kitchen during menstrual cycle. It is also contended that the non-applicant was/is engaged in illicit relationship with one Deepti Modak and not interested to reside with the applicant. Due to such matrimonial discord between them, they got separated from each other in

May, 2009 and since then the applicant is residing at Nagpur. It is further contended on behalf of the applicant that there is nobody in her family to accompany her to Pune for attending the proceedings filed by the non-applicant. It is also contended that the applicant is having some health issues. Therefore, she seeks transfer of the marriage petition from the Pune to Nagpur.

04] The non-applicant has resisted the application by filing his affidavit-in-reply and sought rejection of the application.

05] The applicant is a lady and having some health issues. There is nobody to accompany her to Pune for attending the court proceedings filed by the non-applicant. Since the distance between Nagpur and Pune is near about 800 kms., it would be very inconvenient for the applicant physically as well as financially to travel such a long distance. Even, the non-applicant can appear through Video Conferencing before the Court at Nagpur, if such facility is available there.

06] 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 the non-applicant from Pune to Nagpur. Hence, the following order:

ORDER

- I. The application is allowed.
- II. Hindu Marriage Petition No.A-1503/2023 pending on the file of the Court of learned Judge, Family Court at Pune is

directed to be transferred to the Court of learned Judge, Family Court, at Nagpur.

- III. Both the parties are directed to appear before the Family at Nagpur, on 4th May, 2024.
- IV. The non-applicant may attend the proceedings before the Family Court at Nagpur through video conferencing, if the said facility is available by moving an application in this behalf to the said Court on the date, where his physical presence is not required.
- V. The application is disposed of in above terms.

JUDGE

**sandesh*