



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

MISC. CIVIL APPLICATION NO.109 OF 2023

Vishakha w/o Suraj Mathane Vs. Suraj s/o Ramdas Mathne

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

Court's or Judge's orders.

Ms Smita Banerjee, Advocate for applicant.
Shri Yash Jaiswal, Advocate for non-applicant.

CORAM : M.W. CHANDWANI, J.

DATE : FEBRUARY 22, 2024.

By this application, the applicant – wife is seeking transfer of proceedings bearing Hindu Marriage Petition No.182/2022 pending on the file of the Civil Judge, Senior Division, Achalpur, District Amravati to the Civil Judge, Senior Division, Wardha.

2. It is contended on behalf of the applicant that the marriage of the applicant and non-applicant was solemnized on 17.05.2019 at Wardha. Out of said wedlock, they have blessed with a male child. It is also contended that due to harassment and torture at the hands of non-applicant – husband and his parents, the applicant was constrained to go to maternal place at Wardha. The non-applicant has filed proceedings under section 9 of the Hindu Marriage Act for restitution of conjugal rights at Achalpur, District Amravati. The applicant is residing with her parents at Wardha. It is contended that it is inconvenient for the applicant to attend the proceedings at Achalpur. Therefore, the applicant seeks to transfer the proceedings at Wardha.

3. Heard learned counsel for the applicant and learned counsel for the non-applicant. I have gone through the record.

4. The learned counsel for the non-applicant submits that non-applicant has no objection for transferring the proceedings at Wardha.

5. The applicant has minor child, it will be inconvenient for her to attend the Court at Achalpur. A case is made out for transfer of the case.

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

7. Hindu Marriage Petition No.182/2022 pending on the file of the Civil Judge, Senior Division, Achalpur, District Amravati is hereby transferred to the Court of Civil Judge, Senior Division, Wardha.

8. The application is disposed of accordingly.

JUDGE

Wagh