



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

MISC. CIVIL APPLICATION NO.1124 OF 2023

Mrs. Pragati Shreegulab Manpure Vs. Shreegulab S/o Vikas Manpure

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

Court's or Judge's orders.

Shri Yash Bangale, Advocate for applicant.
None for the non-applicant.

CORAM : M.W. CHANDWANI, J.

DATE : MAY 07, 2024.

Counsel for non-applicant is absent.

2. Heard the learned Counsel for the applicant/wife.
3. 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.354 of 2023 pending on the file of the learned Judge-3, Family Court at Bandra, Mumbai to the Court of learned Civil Judge, Senior Division, Amravati.
4. The applicant is the wife of the non-applicant. It is submitted that the present marriage of the parties is their second marriage after dissolution of their earlier marital ties. The contention is that after some days of marriage, the non-applicant and his family members started ill-treating the applicant on the pretext of bringing money from her parents. It is contended that the behaviour of the non-applicant with the applicant was abnormal. The applicant was driven out of

the matrimonial house and since then she is residing with her parents at their house at Chandur Railway, District Amravati. The non-applicant did not take any efforts to pursue her to join his company. The applicant has no source of income and is residing at the mercy of her parents, who are physically challenged. It is further contended that there is no one in her parental family to accompany her to Mumbai for attending the proceedings filed by the non-applicant. It is also contended that since the distance between Mumbai and Amravati is more than 500 kms., it would be very inconvenient for the applicant to travel such a long distance. Therefore, she seeks transfer of the marriage petition from the Mumbai to Amravati.

5. The applicant is residing with her parents, who are physically challenged. Traveling to Mumbai, which is more than 500 kms. away from Amravati, will be difficult for the applicant, physically as well as financially. The non-applicant even otherwise has to visit Chandur Railway, District Amravati to defend the pending proceedings filed by the applicant. The non-applicant can even appear through Video Conferencing before the Court at Amravati, if such facility is available there.

6. 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 Mumbai to Amravati. Hence, the following order:

ORDER

- I. The application is allowed.
- II. Hindu Marriage Petition No.354 of 2023 pending on the file of the learned Judge-3, Family Court at Bandra, Mumbai is directed to be transferred to the Court of learned Civil Judge, Senior Division, Amravati.
- III. The non-applicant may attend the proceedings before the learned Civil Judge, Senior Division, Amravati 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.
- IV. The application is disposed of in above terms.

JUDGE

Wagh