



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

Civil Application [MCA] No.1126 of 2023

Mrs. Manali Ashish Shingore vs. Mr. Ashish Jayantrav Shingore

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

Court's or Judge's Orders

Mr. K.R. Jain, Advocate for the Applicant.
None for the Non-Applicants.

CORAM : M.W. CHANDWANI, J.
DATE : 4th APRIL, 2024.

Heard the learned Counsel appearing for the applicant-wife.
None appears for the non-applicant-husband, though he is duly served.

02] By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the applicant seeks transfer of Petition No. A-140/2023 pending on the file of the learned Judge, Family Court, Amravati to the Family Court at Pune.

03] The applicant is wife of the non-applicant. Out of said wedlock, they are having a daughter, aged about 5 years. It is contended that the non-applicant is of very aggressive and cruel excessive in nature and, therefore, the applicant left her matrimonial place and started residing along with her minor daughter at her parental house at Pune. The proceedings filed by the applicant against the non-applicant under Section 12 read with Sections 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 before the Court of Judicial Magistrate First Class, Pune and under Section 13(1) of the Hindu Marriage Act, 1955 before the Family Court at Pune, are still pending. The non-applicant also filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court at Amravati.

04] It is contended on behalf of the applicant that the applicant has no independent source of income and living at the mercy of her parents. The applicant, being a lady and having a minor child of 5 years, is not in a position to bear the to and fro expenses of her travelling for attending the proceedings filed by the non-applicant at Amravati. Hence, she seeks transfer of the petition filed by the non-applicant before the Family Court at Amravati to the Family Court at Pune.

05] The applicant is having minor children and is totally dependent on her parents. Travelling to Amravati, which is near about 550 kms. away from Pune, will be difficult for the applicant by leaving her minor daughter. The non-applicant otherwise has to visit Pune to defend the pending proceedings filed by the applicant.

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 Amravati to Pune. Hence, the following order:

- I. The application is allowed.
- II. Petition bearing No.A-140/2023 filed by the non-applicant on the file of the learned Judge of the Family Court at Amravati is directed to be transferred to the Family Court at Pune.
- III. Both the parties are directed to appear before the Family Court at Pune, on 15th April, 2024.
- IV. The application is disposed of accordingly.

JUDGE