



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

Civil Application [MCA] No.1137 of 2023

Mrs. Soni w/o Sunderlal Parware

vs.

Mr. Sunderlal s/o Lalchand Parware

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

Court's or Judge's Orders

*Ms. Chaitali Bhute, Advocate (appointed) for the Applicant.
Mr. C.A. Joshi, Advocate for the Non-Applicant.*

CORAM : M.W. CHANDWANI, J.
DATE : 30th APRIL, 2024.

Heard.

02] This is an application for seeking transfer of Petition No.A-52/2016, pending on the file of the learned Joint Civil Judge Senior Division, Washim to the Court at Hingoli.

03] The transfer is sought mainly on the grounds that the applicant is a poor lady; she is having two minor daughters; there is nobody in the family to take care of minor daughters and also to accompany her for attending the Court proceedings filed by the non-applicant at Washim. Apart from this, it is also submitted that the other cases are pending at Hingoli, where the non-applicant used to appear.

04] The non-applicant filed affidavit-in-reply contending that in the divorce petition filed by the non-applicant before the Court at Washim, his evidence is already over, and only the cross-examination of the applicant is remained to be done, but, the applicant sought several adjournments and did not appear before the Court for cross-examination. It is contended that the distance between Washim and

Hingoli is only 45 kms. Hence, the non-applicant sought rejection of the application.

05] Having regard to the contention that the petition, which is sought to be transferred, is of year 2016. Rather, the trial of the said petition is at the fag end, as only the cross-examination of the non-applicant remains. There is no point in transferring the petition, in which the applicant turned up for transfer after seven years. So far as the anxiety of the applicant that the non-applicant may seek adjournments just to harass the applicant, is concerned, the same can be taken care of by issuing direction to supervise the matter. I do not find any merit in the application. Hence, the application is rejected.

06] The non-applicant shall not take unnecessary adjournments without any solid reason. The trial Court shall see that the applicant should be cross-examined on the date, when she appears and no unnecessary adjournments shall be granted to the applicant.

07] In the aforesaid terms, the application is disposed of with no order as to costs.

JUDGE