



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

MISC. CIVIL APPLICATION (TR) NO.1157 OF 2023

APPLICANT : Sau Meena W/o. Rajendra Borwar,
(Original Respondent) Age-40 years, Occ.- Homemaker, R/o.
C/o. Vasantrao Bhanarkar, Shirpur
(Hore), Tah. Dewali, Dist. Wardha.

..VERSUS..

NON-APPLICANT : Shri Rajendra S/o. Devraoji Borwar,
Age-44 years, Occ. Service, R/o. UG 3,
First Floor, Narmada Building, Sitaram
City Bhandara, Tah and Dist. Bhandara.

Mr D. U. Thakare, Advocate for Applicant.
Mr S. L. Raut, Advocate for Non-Applicant.

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

DATE : **18th MARCH, 2024.**

ORAL JUDGMENT

. Heard.

2. **Admit.**

3. This is an application under Section 24 of the Civil Procedure Code for transfer of petition No.A-55/2023, filed by the non-applicant against the applicant from the Family Court, Bhandara to the Court of Civil Judge Senior Division, Wardha.

4. The applicant is residing at Dewali Tahasil, District Wardha, as it is convenient for her son to go to school at Wardha. The applicant filed an application bearing Miscellaneous Criminal Case No.3/2015 under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, against the non-applicant before the learned 2nd Joint Civil Judge Junior Division and JMFC, Wardha, which is still pending. The non-applicant has appeared in the said Domestic Violence case and contesting the same. The non-applicant has filed a petition bearing No.A-55/2023 against the applicant, which is pending on the file of Family Court, Bhandara, for which transfer is sought.

5. Heard Mr Thakare, learned counsel for applicant and Mr Raut, learned counsel for non-applicant. I have perused the record.

6. It is contended on behalf of the learned counsel for the applicant that the applicant has no independent source of income and she is living at the mercy of her parents at Dewali Tahasil, District Wardha. The applicant is not in a position to bear to and

fro expenses of her traveling for attending the proceedings of divorce filed by non-applicant against her at Bhandara. Hence, she seeks transfer of the said application from the Family Court, Bhandara to the Court of the learned Civil Judge Senior Division, Wardha.

7. The non-applicant has no objection, if the proceedings pending at Family Court, Bhandara, is transferred to the Court of the learned Civil Judge Senior Division, Wardha.

8. It is seen from the record that the applicant is living at Dewali Tahasil, District Wardha. The applicant has to travel Bhandara, which is more than 140 kms. away from Wardha and which requires at least three hours of traveling. After the matter is over, she has to return to Wardha in evening. She is required to incur expense for traveling to and fro from Wardha to Bhandara to attend the said proceeding. The non-applicant otherwise has to visit Wardha to defend the pending proceedings filed by the applicant. Hence, no prejudice will be caused if the proceeding, filed by the non-applicant against the applicant, is transferred from Bhandara to Wardha.

9. 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, a case is made out for transferring the said proceedings from Bhandara to Wardha. Hence, the following order:-

- i) The application is **allowed**.
- ii) The proceedings bearing petition No.A-55/2023, pending on the file of Family Court, Bhandara, is transferred to the Court of the learned Civil Judge Senior Division, Wardha.
- iii) Both the parties are directed to appear before the concerned Court at Wardha on 22.04.2024.

(M. W. CHANDWANI, J.)