



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

MISC. CIVIL APPLICATION NO. 52 OF 2024

Sau. Sharda Rajesh Sonwane

Vs.

Rajesh Champatrao Sonwane

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V. D. Darne, Advocate for applicant.
None for the non-applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 16.04.2024

Heard.

2. This is an application under Section 24 of the Civil Procedure Code for transfer of Marriage Petition No. 124/2023, filed by the non-applicant against the applicant and pending on the file of Family Court, Amravati to the Family Court, Yavatmal.

3. The non-applicant is served but, nobody appears on his behalf.

4. The brief facts, for adjudication of the matter, are as under:-

Due to harassment meted out by the non-applicant and his family members, the applicant is residing with her parents at Yavatmal. She has filed a petition bearing no. 96/2023 under Section 125 of the

Code of Criminal Procedure for grant of maintenance at Family Court, Yavatmal which is pending for adjudication. The non-applicant has also filed a Petition bearing No. 124/2023, for dissolution of marriage, which is pending on the file of Family Court, Amravati. The applicant has sought transfer of the said petition from Family Court, Amravati to Family Court, Yavatmal.

5. Heard Shri V. D. Darne, learned counsel for the applicant and also 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. The applicant is not in a position to bear to and fro expenses of her traveling for attending the proceedings filed by the non-applicant against her at Family Court, Amravati. Hence, she seeks transfer of the said petition from the Family Court, Amravati to the Family Court, Yavatmal.

7. All the contentions raised by the applicant remains un-controverted, as the non-applicant did not appear in the matter despite service.

8. It is seen from the record that the applicant is living at the mercy of her parents at Yavatmal. The applicant has to travel to Amravati, which is more than 100 kms. away from Yavatmal and she is not in a position to travel all alone to Amravati. After the matter is over, she has to return to Yavatmal late in the evening and is

required to incurred expense for traveling to and fro from Yavatmal to Amravati to attend the said proceeding. Also, the applicant has filed petition No. 96/2023, at Family Court, Yavatmal, which the non-applicant has to contest. Hence, no prejudice will be caused if the proceeding, filed by the non-applicant against the applicant, is transferred from Family Court, Amravati to Family Court, Yavatmal.

9. In 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 the recent verdict of the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha [AIR 2022 SC 4318]*, wherein it has been held that the convenience of the wife must be looked. Hence, a case is made out for transferring the said proceedings from Amravati to Yavatmal. Hence, the following order:-

- i) The application is allowed.
- ii) The petition bearing no. 124/2023 pending on the file of Family Court, Amravati is transferred to the Family Court, Yavatmal.

(M. W. CHANDWANI, J.)