



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

MISC. CIVIL APPLICATION NO. 102 OF 2024

Manisha Suhas Kharat @
Manisha Banudas Wankhade,
Age 30 years, Occ. Household
R/o. C/o. Banudas Mahadev Wankhede,
Gajanan Colony, at Ghatpuri, Tq. Khamgaon
District Buldhana.

. . . APPLICANT

// VERSUS //

Suhas Ashok Kharat,
Age 33 years, Occ. Service,
R/o. G-5, Riddhi Siddhi Park Society,
Panchratna Dwar, Pakhadi,
Kharegaon, Kalwa, Thane-400605.
Tq. and District Thane.

. . . NON-APPLICANT

Shri V. B. Bhise, Advocate for applicant.
Shri Amol S. Mardikar, Advocate for non-applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 21.03.2024

ORAL JUDGMENT :-

Heard.

2. **Admit.** By consent of the parties, the matter is heard
finally.

3. This is an application under Section 24 of the Civil Procedure Code for transfer of Hindu Marriage Petition No. A-584/2023, filed by the non-applicant against the applicant from the file of Family Court, Thane to the Court of the Civil Judge Senior Division, Khamgaon, District Buldhana.

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

Due to harassment meted out by the non-applicant and his family members, a complaint was lodged by the applicant and on the basis of which First Information Report No.4/2024 came to be registered with Shivaji Nagar Police Station, Tah. Khamgaon, Dist. Buldhana for the offence punishable under Sections 498A, 323, 504 r/w. 34 of the Indian Penal Code against the non-applicant. The applicant is residing with her parents at Ghatpuri, Tah. Khamgaon, Dist. Buldhana. The non-applicant has also filed Hindu Marriage Petition No. A-584/2023, under Section 13(1)(ia)(ib) of the Hindu Marriage Act 1955 for dissolution of marriage, which is pending on the file of Family Court, Thane and for which transfer is sought.

5. Heard Shri V. B. Bhise, learned counsel for the applicant, Shri Amol S. Mardikar, learned counsel for the non-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 of divorce filed by the non-applicant against her at Thane. Hence, she seeks transfer of the said application from the learned Family Court, Thane to the learned Civil Judge Senior Division, Khamgaon.

7. It is seen from the record that the applicant is living at the mercy of her parents. The applicant has to travel to Thane, which is more than 500 kms. away from Khamgaon and which requires at least 6 to 7 hours of traveling. She has a 2 year old daughter. Carrying a child with her for attending the proceeding will be difficult for the applicant. After the matter is over, she has to return to Khamgaon late in the evening and is required to incurred expense for traveling to and fro from Khamgaon to Thane to attend the said proceeding. Also, the applicant has filed proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 bearing PWDVK No. 28/2024 before the learned Judicial Magistrate First Class, Khamgaon, in February-2024, 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 Thane to Khamgaon.

8. In the ratio laid down by this Court in the case of *Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar*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*², wherein it has been held that the convenience of the wife must be looked. Also, the non-applicant has given no objection to transfer the said proceedings from Thane to Khamgaon. Even, the non-applicant may attend the proceedings before the learned Civil Judge Senior Division, Khamgaon through video conferencing, if the said facility is available and upon application made in this behalf to the said Court on the date where his physical presence is not required. Hence, a case is made out for transferring the said proceedings from Thane to Khamgaon. Hence, the following order:-

- i) The application is allowed.
- ii) The proceedings bearing Hindu Marriage Petition No. 584/2023, pending on the file of the Family Court, Thane is

¹ 2008 (6) All MR 1

² 2022 LiveLaw (SC) 627

transferred to the Court of learned Civil Judge Senior Division, Khamgaon, District Buldhana.

iii) Both the parties are directed to appear before the concerned Court at Khamgaon on 15.04.2024.

(M. W. CHANDWANI, J.)