



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

MISC. CIVIL APPLICATION (TR.) NO. 240 OF 2024

Asha W/o. Manoj Karange Vs. Manoj S/o. Sunil Karange

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. T.S. Deshpande, Advocate for the Applicant.

CORAM : G. A. SANAP, J.

DATED : 19th JULY, 2024.

1. Heard learned advocate for the applicant. The non-applicant is duly served. He has failed to appear before this Court.

2. This is an application for transfer of Hindu Marriage Petition No.277/2023, pending on the file of learned Civil Judge (Senior Division), Washim, to the Court of Civil Judge (Senior Division), Mehkar, Dist. Buldhana.

3. It is stated that the applicant, with her three-year-old son, is residing at Mehkar. She is serving at the Tahsil Office, Mehkar. She has filed the proceeding under the Protection of Women from Domestic Violence Act, 2005, in the Court of Judicial Magistrate, First Class, Mehkar. A criminal complaint under Section 498-A of the Indian Penal Code, 1860, on the basis of her report, is pending against the non-applicant at Mehkar. The proceeding for maintenance of child filed under Section 125 of the Code of Criminal Procedure, 1973, is also pending at Mehkar. The distance between Mehkar and Washim is 79 km. She is finding it very difficult to attend the Court at Washim. She is required to take leave. She cannot leave her child alone. Since 2-3 other proceedings against the non-

applicant are pending at Mehkar, the transfer of this Hindu Marriage Petition pending at Washim, according to the applicant, would be convenient for both the parties.

4. Since the non-applicant has not filed the reply, the averments made in the application have gone unchallenged and uncontroverted. The reasons stated in the application are required to be borne in mind. On proper appreciation of the reasons stated in the application, I am satisfied that, for the purpose of convenience of the applicant, the transfer of the proceeding sought for is fully justified. In such a proceeding, the convenience of the wife is required to be borne in mind. Hence, the following order:

ORDER

- i] The Application is **allowed**.
- ii] Hind Marriage Petition No.277/2023, pending on the file of learned Civil Judge (Senior Division), Washim, be transferred to the Court of Civil Judge (Senior Division), Mehkar, Dist. Buldhana.
- iii] The Principal District and Sessions Judge, Washim, shall withdraw the said petition from the Court of Civil Judge (Senior Division) and transfer it to the Principal District and Sessions Judge, Buldhana. The Principal District and Sessions Judge, Buldhana, on receipt of the file, shall assign the same to the Court of Civil Judge (Senior Division), Mehkar.
- iv] The Application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)

Vijay