



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

MISC. CIVIL APPLICATION (TR.) NO. 327 OF 2024

Ketkee W/o. Bharat Pathak

Vs.

Bharat S/o. Ramanand Pathak

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

Court's or Judge's orders

Ms. Aarti Singh, Advocate for the Applicant.

CORAM : G. A. SANAP, J.

DATED : 19th JULY, 2024.

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

2. This is an application for transfer of Petition-A No.140/2024, pending before Family Court No.2, Pune, to the Family Court at Nagpur.

3. It is stated that the applicant is a doctor. She has a seven-year-old daughter. The non-applicant is doing service at Pune. She has been driven out of the matrimonial home. On her report, the FIR has been registered at Chandrapur Police Station against the non-applicant. The non-applicant/husband has filed the petition for divorce in the Family Court at Pune. It is stated that the applicant has taken shelter with her parents at Nagpur. She has to maintain and look after her daughter. She is finding it very difficult to travel from Nagpur to Pune, which is 719 km. away from Nagpur. The non-applicant has no other responsibility. On every count, she would be facing difficulties

and inconvenience to attend the court at Pune. It is, therefore, submitted that the said proceeding be transferred to Nagpur.

4. Since the non-applicant has not filed the reply, the averments made in the application have gone unchallenged and uncontroverted. The applicant has a seven-year-old daughter. The maintenance of the daughter is the responsibility of the applicant. In her absence, there is nobody in the family to look after her daughter. It is evident on perusal of the facts stated in the application that while attending the proceeding at Pune Court, the applicant would be put to great amount of inconvenience. In such a proceeding, the convenience of the wife is required to be given precedence. The grounds stated in the application are sufficient to accept her contention. Hence, the following order:

ORDER

- i] The Application is **allowed**.
- ii] Petition-A No.140/2024, pending before Family Court No.2, Pune, be transferred to the Family Court at Nagpur.
- iii] The Application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)

Vijay