



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

MISC. CIVIL APPLICATION (TR.) NO.362 OF 2024

Sau. Prerna Ashish Pise

(Vs.)

Ashish Prakash Pise

WITH

MISC. CIVIL APPLICATION (TR.) NO.943 OF 2023

Shri Ashish Prakash Pise

(Vs.)

Sau. Prerna Ashish Pise

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

Court's or Judge's orders.

Mr. Aniket Sawal, Advocate h/f Mr. H.R. Gadhia, Advocate for the wife.
Smt. Vaishali Khadekar, Advocate for the husband.

CORAM : G.A. SANAP, J.

DATE : 06.12.2024

These two applications can be disposed
of by common order.

2. MCA No.362/2024 is made by the wife for the transfer of three cases pending in various Courts at Nagpur and Akola to the Family Court at Bhandara. The husband has made MCA No.943/2023 for the transfer of Marriage Petition filed by the wife in the Family Court at Bhandara to the Family Court at Nagpur.

3. Learned Advocate for the wife, at the outset, pointed out that two proceedings, namely the proceeding mentioned at prayer clause 1 and the proceeding mentioned at prayer clause 3, have been dismissed in default. He submits that his prayer for transfer of these two proceedings has become infructuous.

4. The wife has stated that now she has shifted to Bhandara. She has been residing along with her parents. The wife has prayed for the transfer of the application made by her for the grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C'.)

5. The husband has stated that after covid pandemic, he is jobless and therefore, shifted to his native place, Akola. It is the case of the husband that he is finding it very difficult to attend the proceedings filed by the wife at Bhandara.

6. I have heard learned Advocates for the parties. Perused the record and proceedings.

7. Initially, as can be seen from the record that the wife was staying along with her parents at Nagpur. Now, her parents have shifted to Bhandara. Bhandara seems to be the native place of her parents. After shifting to Bhandara, the wife has filed a petition for divorce against the husband in the Family Court at Bhandara. The husband has appeared in the said proceeding. It is the contention of the husband that since the petition under Section 125 of the Cr.P.C. is pending in the Family Court at Nagpur, it would be in the interest of both the parties to transfer the divorce petition from Bhandara to Nagpur. It is the contention of the wife that since she has shifted to Bhandara permanently, she has been finding it inconvenient to attend the proceedings filed by her in the Family Court at Nagpur.

8. I have given thoughtful consideration to the submissions. I have also gone through the record. The husband is residing at Akola. The husband would be required to come to Nagpur for attending the proceeding filed under Section 125 of the Cr.P.C. The distance between Nagpur and Bhandara is 60 km. There is a direct rail connectivity between Akola and Bhandara. In my view, in such a matter, the convenience of the wife has to be given precedence.

9. In the facts and circumstances by transfer of the proceeding filed by the wife in the Family Court at Nagpur to Bhandara, no inconvenience, as such, would be caused to the husband. It is his contention that he is presently jobless. It is also his contention that his parents are dependent on him. In this factual position, his statement that he is jobless and he is not earning does not stand to reason.

10. In the facts and circumstances, the application made by the wife deserves to be allowed. The application made by the husband deserves to be rejected.

10. Hence, the following order:-

ORDER

- i) M.C.A. No.362/2024 is allowed.
- ii) MCA No.943/2023 is rejected.
- iii) Hindu Marriage Petition No.A-34/2021 pending on the file of Family Court, Akola be transferred to Family Court, Bhandara.
- iv) Liberty is granted to the husband to make a request to the learned Judge to allow him to appear via video conferencing.
- v) As and when such request is made, it must be considered favourably.
- vi) The applications stand disposed of in the aforesaid terms. No order as to costs.

JUDGE