



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

MCA No.115/2025
Sau. Komal V Vaibhav

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

Court's or Judge's orders

Mr. D.S. Patil, Adv. for applicant.

CORAM : R.M. Joshi, J.
DATE : 26-06-2025.

None for the respondent in spite of service of notice.

His absence indicates that he is not interested in opposing the application.

2. Heard learned Counsel for the applicant.

3. Applicant is wife, resident of Telhara, District Akola; having responsibly of two minor children. She claims that she has no independent source of income. She seeks transfer of Hindu Marriage Petition No.A-311/2024 filed by non-applicant-husband before the Civil Judge Senior Division, Khamgaon, District Buldhana to Civil Judge, Senior Division, Akot, District Akola. She claims that she has filed proceedings for restitution of conjugal rights being Marriage Petition No.186/2024 which is pending before the CJSD, Akot.

4. Learned Counsel for the applicant submits that the applicant is unemployed lady with responsibility of two minor children and hence it could be inconvenient for her to attend the proceedings filed by the non-applicant before the Court at Khamgaon. It is his submission that the petition for restitution of conjugal rights filed by the applicant against the non-applicant husband is pending at Akot and therefore in any case the non-applicant will have to appear before the said Court. Thus it is his contention that no prejudice will cause to the non-applicant if the application is allowed.

5. The contention of the applicant has gone unchallenged. Needless to say that the inconvenience of the wife needs to be considered over the inconvenience, if any, caused to the husband in the matrimonial proceedings.

6. The applicant has twins aged about one and half year. This Court therefore finds reasons to accept her contention that it could cause inconvenience to her if she is called upon to attend the proceedings at Khamgaon. Apart from this, the proceedings filed by the applicant against the non-applicant husband are pending at Akot and therefore in any event the non-applicant

will have to cause his appearance before the said Court. Thus, no prejudice will likely to cause to the non-applicant, if the application is allowed. Hence, application stands allowed in terms of prayer clause-(ii).

7. In order to ensure that the non-applicant husband is not harassed by calling him to Akot on different dates, it shall be duty of applicant to ensure that both the applicants/proceedings are kept for hearing on one date.

(R.M. Joshi, J.)