



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

MISC. CIVIL APPLICATION (TR.) NO.343 OF 2024

Pallavi w/o Shubham Laddha
Vs.
Shubham s/o Vinodkumar Laddha

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

Court's or Judge's orders

Ms. Minakshi Agrawal, Counsel h/f Mr. N. R. Tekade, Counsel for the
applicant.

Mr. A. A. Zade, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/02/2025

1. By this application, by invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure. The applicant is seeking transfer of the matrimonial petition No.A-276/2023 pending on the file of Family Court, Nanded to the Court of Family Court, Akola.

2. Heard learned Counsel for the applicant who submitted that the applicant and the non-applicant are husband and wife and their marriage was performed on 26.04.2020. After marriage, there was discord between the applicant and non-applicant therefore, the applicant constrained to leave the matrimonial house and took a shelter at her parent's house. She submitted that the applicant is having small child of 1 year and 5 months old. Now the non-applicant has preferred a

petition bearing No.A-276/2023 for Restitution of Conjugal Rights. The distance between Akola to Nanded is 220 Km. It is difficult for the applicant to travel along with her small child. Moreover, she has to look after her old parents. Thus, it is most inconvenient for the applicant to attend the proceeding. Moreover, there is no source of income for her as she has not received any maintenance amount from the present non-applicant. There is nobody to escort her to attend the proceeding.

3. The said application is strongly opposed by the non-applicant on the ground that the applicant is an educated lady and she can travel. 220 Km. is not much distance to travel. He further submitted that the application is filed only to harass the non-applicant. In view of that, the application deserves to be rejected.

4. After hearing both the sides and on perusal of the record, it reveals that the applicant is resident of Akola. Now she is residing along with her father at Akola. The distance between the two places is more than 220 Km. Moreover, she is having small child of 1 year and 5 months old and it would be difficult for her to attend the proceeding along with her child. She is also unable to keep the child at home and there is nobody to look after the child. Considering all these aspects and considering the settled law that convenience of the wife is to be looked into while

considering the application for transfer as far as the matrimonial matters are concerned. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The petition No.A-276/2023 pending on the file of Family Court, Nanded is withdrawn and transfer to the Family Court, Akola for disposal.
- (iii) The applicant can avail the video conference facility whenever he is unable to attend the proceeding before the Family Court, Akola and the Family Court, Akola shall consider his request of appearance through video conference.
- (iv) Both parties shall appear before the Family Court, Akola on **24.02.2025**.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)