



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

MISC. CIVIL APPLICATION (TR) NO.487 OF 2024

(Mrs. Akshata w/o Satishkumar Bisen (Maiden Name: Akshata R. Rinayat) Vs.
Satishkumar Bandulal Bisen)

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

Court's or Judge's orders.

Mrs. Sunita Paul, Advocate (Appointed) for Applicant.
Mr. D. V. Mahajan, Advocate for Respondent.

CORAM: R. M. JOSHI, J.

DATE: 11th JUNE, 2025.

1. This application for transfer of Hindu Marriage Petition bearing H.M.P. No.277/2023 filed before the learned Civil Judge, Senior Division, Gondia to the learned Civil Judge, Senior Division, Chandrapur. The applicant is wife. She resides with her parents at Chandrapur. She claims that she has no independent source of income and that it would not be possible for her to travel distance of about 240+ km. between Chandrapur and Gondia. On this count she seeks transfer of the petition.

2. Learned counsel for the applicant submits that the applicant being lady with no source of income is compelled to appear before the Court at Gondia, she may not be in a position to defend herself appropriately.

3. Learned counsel for the respondent vehemently opposed the application on the ground that there is no

reason for justification for transfer of the said proceeding as the proceedings are filed within the jurisdiction before the court of proper jurisdiction. Learned counsel for the respondent submits that the respondent husband is ready to bear the expenses for travelling of the applicant from Chandrapur to Gondia.

4. The Court is informed of the fact that the respondent is an Army personnel. Meaning thereby the respondent is not permanently residing at Gondia. On the other hand, the applicant is a lady with no independent source of income. The Court finds no reason to reject the contention of the counsel for the applicant that in the peculiar circumstances is called upon to attend the proceedings in H.M.P. No.277/2023 at Gondia, prejudice is likely to cause to her.

5. Though it is further argued on behalf of the learned counsel for the respondent that there is criminal case pending at Gondia which is initiated at the instance of the applicant. As far as the said proceeding arising out of Crime No.8/2024 registered with Gangazari Police Station, Tahsil Gondia, District Gondia respondent would merely be witnessed and not the prosecutor. The fact of pendency of said criminal proceeding therefore has no bearing on outcome of this application.

6. In the above facts, application stands allowed in terms of prayer clause (i).

(R. M. JOSHI, J.)