



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

MISC. CIVIL APPLICATION (TR) NO. 511 OF 2024

Pooja W/O Anand Kanojiya (Pooja Ratanji Chaudhari)

Vs

Anand @ Ravi S/O Ramlal Kanojiya

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Jayanti A. Deshpande, counsel for applicant.

Mr. Jasprit Singh Chilotra, counsel non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 15/01/2025.

1. By this application, the applicant/wife is seeking transfer of the matrimonial proceedings i.e. Marriage Petition No. 1273/2023 pending before the Principal Judge, Family Court, Nagpur to Principal Judge, Family Court at Yavatmal.

2. The ground raised in the application is that the applicant and the non-applicant are husband and wife. After marriage, they resided together for some days. Thereafter, there was a dispute arose between them, and therefore, they are residing separately. The applicant has filed a First Information Report under Section 498-A, 294 read with Section 34 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act of 1961, which is pending at Yavatmal. She has also filed an application under Section 125 of the Code of Criminal Procedure, 1973, at Family Court, Yavatmal. Whereas, the non-applicant has filed the petition for dissolution of marriage bearing Petition No.

1273/2023 pending before the Principal District Judge at Family Court, Nagpur.

3. It is submitted that the applicant is an uneducated lady, and she is unable to travel from Yavatmal to Nagpur, which is 150 km. Moreover, she is residing along with her parents, and there is nobody to look after her parents if she attends the proceedings at Nagpur. Considering her financial conditions, she is unable to incur the expenses to attend the proceedings at Nagpur, and if all the proceedings are decided by one Court, it would be convenient for both parties. In view of that, the marriage petition No. 1273/2023 be transferred from Family Court, Nagpur to Family Court, Yavatmal.

4. Learned counsel for the non-applicant strongly opposed the said application on the ground that merely because one petition is filed at Nagpur, is not sufficient to seek transfer of the proceedings. The applicant is attending the proceedings, and she has never complained about any of the inconvenience. In view of that, the application deserves to be rejected.

5. Heard both sides, perused the grounds raised in the application. In view of the observation of the Hon'ble Apex Court in the case of *D. Raja Rajeswari Vs. R. Sathish Kumar (2022) 2 SCC 329*, wherein it is held that multiple proceedings between the same parties transferred and consolidation of all proceedings before one Court when warranted and while answering this question the Hon'ble Apex Court held that it is in the interest of justice that all

these matters be heard by the same Court and the matter was transferred by considering the convenience of the wife.

6. In view of the above facts and circumstances, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The Misc. Civil Application is **allowed**.
- b] The Hindu Marriage Petition bearing No. 1273/2023 pending before the Principal Judge, Family Court, Nagpur is hereby withdrawn and transfer to the Principal District Judge, Family Court at Yavatmal.
- c] Both parties shall remain present before the Family Court, Yavatmal on 06/02/2025.
- d] The fees of the appointed counsel be quantified as per Rule.

7. The Misc. Civil Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]