



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

MISC. CIVIL APPLICATION (TR) NO. 750 OF 2024

Smt. Varsha w/o Sachin Patil Vs Sachin Vitthal Patil

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

Court's or Judge's Order

Mr. J.D. Doye, counsel for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2025.

1. By this application, the applicant is seeking transfer of the matrimonial proceedings bearing Petition No. A-2087/2023 pending in the file of Family Court No. 6 Pune to the Family Court, Nagpur.

2. The ground raised in the application is that the distance between Nagpur to Pune is more than 700 kms. The non-applicant has not provided any maintenance and has not made any provision for maintenance of the applicant, and therefore, she is unable to incur the expenses towards the litigation. As per the ground raised, the DV proceedings i.e. Criminal Misc. Application No. 5713/2023 is already pending before the Judicial Magistrate First Class, Nagpur, and the non-applicant is attending the same proceedings; therefore, no prejudice will be caused to the non-applicant.

3. Heard learned counsel for the applicant, who reiterated the said contentions and submitted that

considering the fact that the applicant is a lady and she is unable to travel, as she has to travel for more than 700 kms by traveling overnight. There is nobody in the family to escort her to attend the proceedings. Moreover, she is unable to incur the expenses, as no provision is to be made by the non-applicant for her maintenance, and another proceeding is already pending at Nagpur, in which the non-applicant has put his appearance.

4. Despite the service of the notice, the non-applicant is absent today. None is present on his behalf. The reply filed by the non-applicant shows that he has opposed the said application strongly on the ground that the applicant is not residing at Nagpur, and there is no sufficient and reasonable ground for transfer of the proceedings. It is further stated that prior to the marriage, the applicant worked as a teacher at Pune in various schools, and she is well acquainted with Pune City, and therefore, the application deserves to be rejected.

5. After considering the reply and the submissions made by the applicant, and also the legal position, which shows that in matrimonial proceedings, especially the transfer application, the convenience of the wife is to be looked into. Considering the distance between Nagpur and Pune is more than 700 kms., and the applicant has to travel overnight to attend the said proceedings is more jeopardized to the applicant. Moreover, the non-applicant is already attending the

proceedings at Nagpur; therefore, no prejudice would be caused to him if he attends the said proceedings. Even he can attend the proceedings by using the facility of video conferencing also therefore, no inconvenience would be caused to him. Moreover, the non-applicant has not made any provision for the maintenance of the applicant. In view of the above reasons, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The application is **allowed**.
 - b] The Matrimonial proceedings bearing petition No. A-2087/2023 pending on the file of Judge, Family Court No.6, Pune is hereby withdrawn and transfer to the Family Court, Nagpur for disposal.
 - c] The parties to appear before the Family Court, Nagpur on 05/03/2025.
6. The Misc. Civil Application (Tr.) No. 750 of 2024 is **disposed of**.

[URMILA JOSHI-PHALKE, J.]