



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

MISC. CIVIL APPLICATION (TR) NO. 886 OF 2023

Sau. Raksha w/o Devendrea Jambhulkar Vs Devendra s/o Govardhan Jambhulkar

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

Court's or Judge's Order

Mr. Santosh Jambhulkar, counsel for the applicant.

Mr. Hariom Dhage, counsel for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/01/2025.

1. Heard.
2. By this application, the applicant/wife is seeking transfer of the matrimonial proceedings bearing Hindu Marriage Petition No. 100/2023 pending before the learned Joint Civil Judge, Senior Division, Khed, District Pune, to the learned Family Court, Nagpur.
3. It is contended by learned counsel of the applicant that the applicant is the legally wedded wife of the non-applicant and their marriage was solemnized on 05/05/2015, but there was a discord between husband and wife, and therefore, the wife left the matrimonial house and is staying at Nagpur. She is having seven year old son who is also studying at Nagpur. It is further contended that the distance between Nagpur and Pune is more than 750 km. The applicant has no means to travel, and there is nobody to look after her son also, and therefore, inconvenience is caused to her. Moreover, she has filed an application under Section 125

of Cr.P.C. for the grant of maintenance, which is pending in the Family Court, Nagpur. Therefore, he moved the Hindu Marriage Petition pending in the Court of Joint Civil Judge, Senior Division, Khed, District Pune, is transferred to Nagpur. It would be convenient for the applicant to attend both the proceedings.

4. Learned counsel for the non-applicant strongly objected the application on the ground that the applicant has to take care of her old mother, who is suffering from various ailments, and therefore, if the matter is transferred to Nagpur, it would be difficult for the non-applicant to attend the proceedings. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned counsel for the non-applicant. Perused the ground raised in the application, it would be in the interest of justice that all the matters be heard by the same Court. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioral pattern, their standard of life prior to the marriage and subsequent thereto, and the circumstances of both the parties in eking out their

livelihood and under whose protective umbrella they are seeking their further life.

6. As noticed above, in the present case also, the applicant, who is a lady having a seven year old son staying along with her, and there is nobody to look after, and considering the long distance between Pune and Nagpur, it would be appropriate to allow the application. In view of that, I proceed to pass the following order.

- a] The Misc. Civil Application is **allowed**.
 - b] The Hindu Marriage Petition pending in the Court of Joint Civil Judge, Senior Division, Khed, District Pune bearing Petition No. 100/2023 is hereby withdrawn and transfer to the Family Court, Nagpur.
 - c] Both parties shall remain present before the Family Court, Nagpur on 05/02/2025.
7. The Misc. Civil Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]