



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

MISC. CIVIL APPLICATION (TR.) NO.832 OF 2024

Sneha w/o Ashish Bele **Vs.** Ashish s/o Babarao Bele

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

Court's or Judge's orders

Mr. J. D. Doye, Counsel for the applicant.
Mr. P. U. Rakhonde, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/02/2025

1. By this application, the applicant – wife is seeking transfer of the matrimonial proceeding bearing No.615/2023 pending in the Court of 5th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Wardha to the Family Court Nagpur for disposal.

2. As per the contention of the applicant, she is the legally wedded wife of the non-applicant, as the marriage between them has been solemnized on 25.06.2021. After marriage, she resumed cohabitation, but there was a rift between both of them, and therefore, their relationship was broken and since then she is residing along with her old aged parents. Now the non-applicant has preferred an application before the learned Civil Judge Senior Division, Wardha for dissolution of marriage and the applicant has also filed the proceeding bearing No.E-486/2023 before the Family Court, Nagpur

under Section 125 of the Code of Criminal Procedure and also filed a DV proceeding Criminal M.A. No.375/2022 which is pending before the 15th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Nagpur. It is contended that if all the proceedings are transferred at one place, it would be convenient for both parties to attend the proceeding. Moreover, the applicant is residing along with her old aged parents. There is nobody to escort her to attend the proceeding. The non-applicant has not made any provisions for her maintenance, and therefore, she is unable to incur the expenses towards the litigation also. Considering all these aspects, the matter be transferred to the Family Court, Nagpur.

3. The said application is strongly opposed by the learned Counsel for the non-applicant on the ground that the ground raised to the application itself are not tenable. The distance between the two places is only 85 Kilometers. In view of that the application deserves to be rejected.

4. After hearing both sides and on perusal of the application as well as the documents annexed therewith, it reveals that the applicant has filed two proceedings at Nagpur one pending before the Family Court and the other is pending before the 5th Civil Judge Senior Division, Nagpur, whereas the petition bearing No.615/2023 is pending in the 5th Joint Civil

Judge Senior Division and Additional Chief Judicial Magistrate, Wardha. As the applicant is residing along with her parents and there is nobody to escort her to attend the proceeding. Moreover, she is unable to incur the expenses as the non-applicant has not made any provision for her maintenance. It is not well settled that in a matrimonial proceedings, the convenience of the wife is to be looked into. The Family Court, Nagpur shall consider the prayer of the non-applicant if it is made before the Court for appearance through video conferencing also. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The Hindu Marriage Petition No.615/2023 pending in the file of 5th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Wardha is hereby withdrawn and transferred to the Family Court No.5, Nagpur for disposal.
- (iii) The parties to appear before the Family Court No.5, Nagpur on 11.03.2025.
- (iv) The prayer if made by the non-applicant to appear through video conferencing, the Family Court No.5, shall consider the same and shall permit him to appear through the video conferencing.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)