



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

MCA No.819/2024
Vaishnavi V Akshay

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

Court's or Judge's orders

Mr. S.R. Damhare, Adv. for applicant.
Mr. Yash Kullarwar, Adv for respondent.

CORAM : R.M. Joshi, J.
DATE : 03-07-2025.

This application is filed for transfer of Marriage
Petition No.159/2024 filed by non-applicant/husband from Civil
Judge, Senior Division, Chandrapur to Civil Judge, Senior
Division, Washim.

2. Applicant is a lady. She claims to be unemployed.
She has responsibility of a daughter aged about 3 years. Her
mother is bed ridden. She has no independent source of income.
She filed domestic violence proceeding at Washim against the
non-applicant. On the bias of FIR lodged by applicant/wife,
criminal proceeding is pending against the husband at Washim.
She claims that the distance between the Washim and
Chandrapur is 330 Kms and call upon her to attend the
proceedings filed by the non-applicant at Chandrapur will cause
inconvenience and prejudice to her.

3. Application is opposed by the non-applicant/husband by filing reply. It is his contention that the non-applicant is being harassed by the applicant and filing of the present application for transfer is one of such attempts. Learned Counsel for non-applicant claims that the applicant is at fault and that in view of issuance of notice for divorce, the proceedings under Domestic Violence Act came to be filed before the Court at Washim.

4. Learned Counsel for the applicant submits that the aforestated facts which are not in dispute indicate that calling upon the applicant to appear proceedings before the Court at Chandrapur will cause prejudice to the applicant.

5. Counsel for non-applicant, on instructions, made a statement that the non-applicant is ready to bear the conveyance expenses of the visit of the applicant to the Court at Chandrapur. It is his submission that once such offer is made, application deserves to be rejected. To support his submissions he placed reliance on the judgment of the Hon'ble Supreme Court in case of Anindita Das vs Srijit Das, reported in (2006) 9 SCC 197. He further argued that the non-applicant husband has filed proceedings before this Court for quashment of FIR filed by the

non-applicant. In response to the contention of the Counsel for the non-applicant to pay conveyance expenses, it is pointed out that inspite of order passed by the competent Court no maintenance has been paid by the husband to her till date. The offer made by the husband for having inconvenience/ travelling expenses would be one of the grounds for consideration while deciding the application of transfer and cannot become a sole ground for rejection of the same. The facts as appeared from the record and not in dispute that the applicant is unemployed. She has responsibility of a daughter. Her mother is bed ridden. In such circumstances, this Courts finds substance in the contention of learned Counsel for the applicant that if she is called upon to appear before the Court at Chandrapur prejudice will cause to her defence.

6. As against this the DV proceeding as well as the criminal petition is pending in the Court at Washim, thus the non-applicant husband will have to attend the Court proceeding in any case. In the result, no prejudice will cause to the non-applicant if the application is allowed. Hence, application stands allowed in terms of prayer Clause (i).

7. Learned Counsel for the non-applicant seeks leave to cause appearance in the proceedings filed by him before the Court at Washim through Video Conferencing. Learned Counsel for the applicant records no objection for the same. The respondent is permitted to appear through Video Conferencing except where there is a specific order of his appearance by the Court concerned.

8. In order to ensure the non-applicant is not harassed by keeping all three proceedings on different dates, it shall be the responsibility of the applicant to ensure that all these proceedings shall be heard on the same day.

(R.M. Joshi, J.)