



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

MISC. CIVIL APPLICATION (TR) No. 827 OF 2024

Sau Ruchita Durgesh Shriwas Vs Durgesh Dilip Shriwas

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

Court's or Judge's Order

Mr. J.R. Kidilay, counsel for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2025.

1. By this application, the applicant/wife is seeking transfer of the matrimonial proceeding bearing Petition No. A-40/2024 filed by the non-applicant/husband in the Court of Family Court, Yavatmal, to the Court of Civil Judge, Senior Division, Wardha.

2. Heard learned counsel for the applicant, who submitted that the marriage of the applicant and non-applicant was performed on 11/12/2013, and two sons are begotten from the said marriage. However, subsequently there is a rift in the relationship, and therefore, the applicant is constrained to leave the matrimonial house and stay at her parents' house. Though the order of interim maintenance is passed by the Court, the non-applicant is not paid any single penny towards her maintenance. The applicant has to maintain her two children by incurring the expenses towards their education. Moreover, she has already filed an application, which is pending at Wardha. Now, the non-applicant has filed an application for dissolution of marriage,

which is pending before the Family Court at Yavatmal. If both the proceedings are decided at Wardha, it would be more convenient for the applicant/wife. In view of that, the application deserves to be allowed.

3. Despite the notice is served on the non-applicant, none appeared on behalf of the non-applicant/husband.

4. Heard learned counsel for the applicant/wife. Perused the application and the contents thereof, as well as the documents in support of her contention. Admittedly, the applicant/wife has already filed a proceeding under Section 125 of the Code of Criminal Procedure, 1973, which is pending before the Judicial Magistrate First Class, Wardha, whereas the non-applicant/husband has filed a divorce petition, which is pending before the Family Court, Yavatmal. The distance between the two places is of a 74 kilometer. Moreover, it is apparent that, though interim maintenance order is passed, non-applicant has not paid any amount towards the maintenance. The applicant has to incur the expenses towards herself as well as the education of her two children and their basic needs. As the non-applicant/husband has not made any arrangements for the maintenance or for their livelihood, the applicant is unable to incur the expenses towards the litigation. She has to travel from Wardha to Yavatmal, and in absence of the financial support, it is difficult for her to travel to Yavatmal. Considering the fact and the settled law is that the convenience of the wife is to be looked

into, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The Misc. Civil Application is **allowed**.
 - b] The matrimonial proceedings bearing Petition No. A-40/2024 pending before the Family Court, Yavatmal, is hereby withdrawn and transferred to the Civil Judge, Senior Division, Wardha.
 - c] The parties to appear before the Civil Judge, Senior Division, Wardha on 12/03/2025.
5. The Misc. Civil Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]