



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

MISC. CIVIL APPLICATION (TR.) NO.885 OF 2024

Yogeshri w/o Akshay Meshram @ Kum. Yogeshri d/o Prakashrao Uke
Vs.
Akshay Sureshrao Meshram

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

Court's or Judge's orders

Mr. D. D. Vaidya, Counsel for the applicant.

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

1. By this application, the applicant is seeking transfer of the petition A-No.201/2023 pending in the Court of Principal Judge, Family Court, Amravati to the Civil Judge Senior Division, Wardha.

2. The ground raised by the applicant is that she is working as a lady Constable at Kharangana Police Station, Wardha. The distance between the Wardha to Amravati is around 120 – 130 Kilometers. She has filed an application for grant maintenance for her son, who is residing along with her. Now the non-applicant has preferred a petition for dissolution of marriage in the Court of Principal Judge, Family Court, Amravati. Being she in a service in a Police Department, it is difficult for her to obtain a leave and attend the proceeding. She cannot leave her son alone at the house and attend the proceeding. Moreover, the non-applicant has not made any

provisions for the son to maintain him as well as to incur the expenses towards the litigation. For all above these terms, proceeding which is pending in the Court of Principal Judge, Family Court, Amravati be transferred to the Civil Judge Senior Division, Wardha.

3. Despite the notice served on the non-applicant, he remained absent. Sufficient opportunity is already granted to the non-applicant, but he chosen not to appear before this Court.

4. Heard learned Counsel for the applicant who reiterated the contentions. Perused the application as well as documents on record from which it reveals that the present applicant has preferred an application under Section 125 of the Code of Criminal Procedure for grant of maintenance for her son bearing Criminal M.A.No.43/2023 which is pending in the Court of Chief Judicial Magistrate, Wardha, whereas the non-applicant has preferred an application for dissolution of marriage which is pending in the Court of Principal Judge, Family Court, Amravati. Considering the ground raised by the applicant, she has made out a case for transfer of the matrimonial proceeding. Moreover, in a transfer application in a matrimonial proceedings, 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 following order:

ORDER

- (i) The application is allowed.
- (ii) The matrimonial proceeding A-No.201/2023 pending in the Court of Principal Judge, Family Court, Amravati is hereby withdrawn and transferred to the Civil Judge Senior Division, Wardha for trial and disposal.
- (iii) The applicant and non-applicant shall appear before the Civil Judge Senior Division, Wardha on **06.03.2025**.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)