



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

MISC. CIVIL APPLICATION (TR) NO. 1009 OF 2023

Vaishali w/o Ajinkya Raut Vs Ajinkya s/o Dilip Raut

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

Court's or Judge's Order

Mr. N.R. Fulsunge, counsel for applicant.

Mr. Satyavrat Joshi, counsel h/f Mr. A.R. Fule, counsel for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/01/2025.

1. By this application, the applicant/wife is seeking transfer of the matrimonial proceedings bearing no. A/2164/2022 presently pending on the file of the Principal Judge Family Court No. 1-Pune to the Family Court, Nagpur.

2. The contentions of the applicant are as follows. That the marriage of the applicant/wife was solemnized with the non-applicant/husband on 28/11/2017 at Nagpur, and thereafter, she went to stay in a matrimonial house at Pune. After marriage, there was a discord between her and her husband, and therefore, she was constrained to leave the matrimonial house. Thereafter, she filed a proceedings before the Judicial Magistrate First Class, Nagpur, under the provision of Section 12 of the Protection of Women from Domestic Violence Act, 2005, and the non-applicant and his family members seeking various reliefs.

3. It is further contended that three to four proceedings are pending before the Judicial Magistrate First Class as well as the Family Court, Nagpur, and the present

non-applicant is attending the said proceedings. It is further contended that she has life threats if she attends the proceedings at Family Court, Pune, and for all the above grounds, she seeks transfer of the matrimonial proceedings pending in the Family Court, Pune, i.e. Petition A/2164/2022, to the Family Court, Nagpur.

4. Heard learned counsel for the applicant in support of his contention; he placed reliance in the cases of (1) *D. Raja Rajeshwari Vs R. Sathish Kumar [(2022) 2 SCC 329]*; (2) *Pramela Madhav Yeshwant Vs Madhav Radhakishan Yeshwant [2010 (6) ALL MR 688]*; and; (3) *Shruti W/O. Shriram Jangam Vs. Shriram S/O. Balkrushn Jangam [2009(4) ALL MR 386]*.

5. The said application is strongly opposed by the non-applicant on the ground that the applicant is already residing in Pune, and she is doing the job in a “Creative Skills Digital Private Limited,” Pune. Her address mentioned is also showing that she is continued with the job, and therefore, her contention that she is unable to attend the proceedings due to the huge distance between the two cities is not sustainable. It is further submitted that she is staying in Pune from Monday to Friday therefore, no purpose will be served by transferring this petition from Family Court, Pune, to Family Court, Nagpur. On the contrary, the Family Court, Pune, is the most convenient place for the applicant to attend the proceedings. In view of that, the application deserved to be rejected.

6. Having heard both sides and on perusal of the record, it is an admitted position that the applicant is serving in Pune, and her statement in the application itself sufficiently shows that she is serving in “Creative Skills Digital Private Limited,” Pune, and she is continuing with service. It further reveals that she is staying in Pune from Monday to Friday. Therefore, the contention of the applicant, that if the matter is transferred to the Family Court, Nagpur, it would be convenient for her, is not acceptable.

7. I have gone through the various decisions on which the reliance is placed. The facts of the decisions are not identical with the present case. There is no dispute as to the legal position is concerned, that while considering the transfer application in matrimonial proceedings, the convenience of the applicant/wife is to be considered. In *Sumita Singh vs Kumar Sanjay And Anr [AIR2002SC396]*, wherein also, the Apex Court has observed that the convenience of the wife must be looked into.

8. However, considering the facts of the present case and considering that the applicant is already residing in Pune from Monday to Friday, as she is serving there, and therefore, her ground of convenience if the matter is transferred from Pune to Nagpur is not acceptable. In view of that, the application is devoid of merits, it deserves to be rejected. Accordingly, I proceed to pass the following order.

The Misc. Civil Application is **rejected**.

[**URMILA JOSHI-PHALKE, J.**]