



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

MISC. CIVIL APPLICATION NO.999 OF 2023

(Pooja w/o Natraj Yadav (Mandlewale) Vs Natraj s/o Govind Yadav (Mandlewale))

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

Court's or Judge's Order

Mr. A.J. Thakkar, Advocate for the applicant.
Mr. D.J. Sharma, Advocate for the non-applicant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 10, 2025.

Heard.

2. By this application the applicant is seeking transfer of the matrimonial proceeding bearing petition No.A/73/2023 pending on the file of Family Court, Nanded to the Civil Judge, Senior Division, Akot.

3. Learned Counsel for the applicant submitted that the distance between Akot to Nanded is more than 500 kilometres. The applicant is 24 years old and suffering from epilepsy, and therefore, she cannot travel alone. There is nobody to escort her to attend the proceedings. Moreover, the non-applicant has not provided any provision for her maintenance, and therefore, she is unable to incur the expenses towards the litigation. For all above these grounds, the application be allowed and the proceeding be transferred from the Family Court, Nanded to the Civil Judge, Senior Division, Akot.

4. Learned Counsel for the non-applicant strongly opposed the said application on the ground that there is no sufficient and satisfactory reason for transfer of the proceedings. The applicant is lastly resided at Nanded, and therefore, the Family Court, Nanded has jurisdiction to entertain the application, therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the application as well as the other proceedings which are filed by the parties it reveals that the marriage was performed on 16/05/2022. Thereafter the applicant resumed the cohabitation. The non-applicant has filed a petition for dissolution of marriage on the ground that she is suffering from epilepsy as well as mental disorder which is pending at Family Court, Nanded. Thus, the ground raised in the application itself is sufficient to show that the applicant is not a normal person as she is suffering from epilepsy as well as, as per the non-applicant mental disorder and considering the said contention raised in the application itself by the non-applicant, there is no reason for the non-applicant to raise any objection for transfer of the said proceeding. Moreover, the convenience of the wife is to be looked into. The distance between two places is more than 500 kilometres. Considering the fact that she is suffering from epilepsy, it would be difficult for her to travel alone as there is nobody to escort her to attend the proceeding.

Hence, the application deserves to be allowed Accordingly,
I proceed to pass the following order :

(i) The application is allowed.

(ii) The proceeding bearing Petition No.A/73/2023 pending before the Family Court, Nanded be transferred to the Civil Judge, Senior Division, Akot for adjudication.

(iii) The Family Court, Nanded shall send the record and proceedings of Petition No.A/73/2023 to the Civil Judge, Senior Division, Akot.

(iv) The parties shall remain present before the Civil Judge, Senior Division, Akot on 03/03/2025.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*