



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

MISC. CIVIL APPLICATION [TR] NO.929 OF 2024

Meghali Kamlesh Lakade
Aged about 37 years,
Occupatin-Housewife,
R/o. C/o. Nikesh Tijare, Plot No.71,
Aurvedic Layout, Chota Tajbag,
Nagpur, Tah. And District-Nagpur-17
Mob. No.8623883435. .. Applicant

..Versus..

Kamlesh s/o Kalyan Lakade,
Aged about 46 years,
Occupation-Service,
R/o. Kawatha Railway, Near
Grampanchayat, Kawatha,
Tah. Deoli and Dist. Wardha. .. Non-Applicant

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Shri Parth L. Sagdeo, Advocate with Shri Sharad Thakre,
Advocate for Applicant.

Shri Mahesh V. Rai, Advocate with Ms. Naina P. Dhoke,
Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.
DATED : 26.11.2025.

JUDGMENT

1. By this application, the applicant is seeking the transfer
of the proceeding from Civil Judge, Senior Division, Wardha to

the Family Court, Nagpur.

2. In the present matter, the contention of the present applicant is that she is working as a daily-wager i.e. selling the fruits, vegetables in the market and having a daughter of 17 years old, who is physically challenged child. According to her, she has no earning source and there are threats to her and her daughter and, therefore, transfer is sought of the proceeding from Wardha to Nagpur.

3. The learned counsel for the non-applicant vehemently opposed the present application by presenting the document to demonstrate that the applicant is habitual to reside and cohabit by different name with various persons and subsequently lodged complaints against them in several courts. It is further submitted that due to false complaint lodged by the applicant, he was behind the bar for sometime and thereby he was suspended from the service. As such, he is struggling for getting reinstatement in service. According to him, considering the conduct of the applicant, this court should not interfere in the present matter.

4. In addition to this, he further stated that the distance between Wardha to Nagpur is only 60 to 65 km and various

transportation facilities are available for travelling from Wardha to Nagpur. Hence, a distance cannot be a reason to transfer the proceeding from Wardha to Nagpur.

5. In the background of above said submission of the parties, I have heard both the counsels at length and perused the record.

6. The learned counsel for the applicant has pointed out that after her marriage with the non-applicant, they have begotten one child. However, as there was a matrimonial dispute between them, they have separated from each other. He has heavily relied upon the first information report lodged by the daughter against the present non-applicant alleging that she was sexually harassed at the instance of the present non-applicant. So also, it is his submission that considering her financial status, it will not be possible for her to attend the proceeding at Nagpur. It is stated that if the applicant has to attend the proceeding at Nagpur, as there are threats to her and her grown up daughter from the present non-applicant, she will have to accompany her at Nagpur. In that circumstances, she will cause loss of her daily earning and she will be also burdened of the travelling charges of her daughter. Hence,

according to her, considering this aspect of the matter, indulgence of this court is necessary to transfer the proceeding from Wardha to Nagpur.

7. Per contra, the non-applicant-husband has filed his affidavit dated 4.1.2025 and thereby accompanied various documents on record. The first document he has relied upon the judgment of the learned Judicial Magistrate, First Class, Wardha in the proceeding under Section 498-A of the Indian Penal Code lodged by the applicant against the non-applicant. In the said proceeding, the non-applicant was honourably acquitted on merits by the learned Judicial Magistrate, First Class, Wardha. Then he has pointed out the police report lodged by the present applicant by representing her name as Mona Mayur Motghare against Nitin @ Nitesh Gawai. From the contents of this complaint, it is seen that she has married with that person and due to ill-treatment given to her, the complaint was lodged by her under Sections 392, 452, 354, 380 and 506 of the Indian Penal Code on 13.2.2012. Thereafter, further lodged police report against mother and sister of Nitin Gawai on 4.10.2012. From the documents placed on record, it is prima facie clear that applicant by representing herself as Mona Mayur

Motghare lodged the police complaint against Nitesh Gawai.

8. It is further pointed out that applicant without disclosing the fact that she is already married woman performed marriage with one Suresh Wasnik on 19.1.2016. Then, Suresh Wasnik came to know that applicant is married woman, therefore, he has filed proceeding for declaring the marriage void. In that proceeding, Civil Judge, Senior Division, Wardha in H.M.P No.162/2016, held that marriage as void.

9. Applicant then came with contact of Mahendra Wanwani. She cohabited with him and then filed criminal case against him. Said Mahendra came to know about the character of applicant, therefore, he has also lodged police complaint against applicant and narrated in detailed as to how he was trapped by applicant on that basis offence was registered against applicant vide Crime No.282/2022 on 3.5.2022 under Sections 386, 420, 494, 496, 506 and 34 of the Indian Penal Code.

10. All these documents though cannot be said to be considered in the present application, but prima facie shows the conduct of the applicant that she is habitual to cohabit with the different persons and after that lodged the complaint against

the said persons to the various Police Station as well as various courts. As such, such woman against whom various allegations are made on the basis of documentary evidence, needs consideration in the matter. According to me, conduct of the applicant itself disqualify her for seeking any relief from this court.

11. It is further pertinent to note that the distance between Wardha to Nagpur is merely 60 km. The judicial note can be taken that various transportation facilities are available from Wardha to Nagpur. So many persons who are working at Wardha or Nagpur respectively are travelling this short distance daily. Therefore, for such short distance, the proceeding cannot be transferred from Wardha to Nagpur.

12. In respect of the submission of the applicant that she will cause loss of her daily income and she is apprehending any misconduct against her daughter, this fact can be considered by directing the non-applicant to pay the travelling charges to the applicant as and when she attend the proceeding before Family Court, Nagpur.

13. The learned counsel for the applicant has relied upon the judgment of the Hon'ble Supreme Court of India in the case

of *Rajani Kishor Pardeshi .vs. Kishor Babulal Pardeshi*, reported in (2005) 12 SCC 237, (2004) 13 SCC 495 *Roopali .vs. Amit*, 2013 (6) Mh.L.J. 711, 2017 (3) Mh.L.J. 422 to state that the convenience of wife is required to be looked into by take lenient view in the matter. However, the judgment of Hon'ble Supreme Court in the case of *Anandita Das .vs. Srijit Das*, reported in 2006 (9) SCC 197, it is held that "it has been found that women's are taking disadvantage of the leniency shown by the court" " Each case is required to be decided on it's own merit". It seems to be more relevant particularly in the facts and circumstances of the present case. According to me, the principle laid down in the *Anandita Das* (supra) case is applicable in the present matter and, therefore, I am relying upon the judgment of *Anandita Das* (supra)

14. It is stated that in case of *Anandita Das* (supra), the Hon'ble Supreme Court of India has laid down the principle that the distance cannot be a reason to interfere in the matter of transfer of matrimonial proceeding. The Hon'ble Supreme Court of India has held that each case is required to be decided on its own merit. Therefore, I am of the opinion that considering the peculiar facts and circumstances of the present

matter, no case is made out for interference in the matter. Hence, on the following terms and conditions, this matter can be disposed of as under :

- (1) The applicant to attend the proceeding at Civil Judge, Senior Division, Wardha and on her physical attendance with daughter, the non-applicant will pay the travelling charges of Rs.1,000/- to the applicant.
- (2) Applicant is permitted to attend the proceeding before Civil Judge, Senior Division, Wardha through video conferencing, if her physical attendance is not required in the matter.
- (3) Learned Civil Judge, Senior Division, Wardha is requested to decide the pending proceeding as expeditiously as possible.
- (4) No order as to costs.

(Pravin S. Patil, J.)