



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

MISC. CIVIL APPLICATION NO. 307/2024

Sau. Sharda W/o Sagar Waghmare

...VERSUS...

Sagar S/o. Manmath Waghmare

Office Notes, Office Memoranda of Coram, Court's or Judge's orders

appearances, Court's orders or directions
and Registrar's orders

Ms. P. Lakhanpal, Advocate for the Applicant(s)

CORAM:- M.S. JAWALKAR, J.
MAY 06, 2025

. Heard learned Counsel for the Applicant.

(2) It is submitted that the Non-Applciant could not be served on the existing address in spite of various attempts. The learned Registrar (Judicial), vide order dated 30/01/2025, granted permission to the Applicant to serve the Non-Applciant by paper-publication. Accordingly, the notice through paper publication is served on the Non-Applciant.

(3) The present Application is filed by the Applicant for transfer of Proceedings bearing Hindu Marriage Petition No. A-2030/2023 (Sagar Waghmare vs. Sharda W/o Sagar Waghmare) pending in the Court of learned Judge, Family Court, Pune to the Court of learned Civil Judge Senior Division, Khamgaon, District Buldhana.

(4) It is submitted that the Applicant is the legally wedded wife of the Non-Applicant. Their marriage was solemnized on 10/11/2018 at Pune as per Hindu customs and rites. Due to harassment, the Applicant was constrained to leave her matrimonial home and she started residing at her parents house. Out of the said wedlock, they were blessed with one daughter on 24/03/2021 who is now three years old. Due to physical and mental harassment, the Applicant had filed complaint before the Police Station Bhosari, Pune, however, no action was taken by the Police. The Applicant has also filed D.V. proceedings in the year 2021 in which the Non-Applicant was directed to pay Rs. 10,000/- per month to the Applicant, however, she has not received any amount.

(5) It is her contention that just to harass the Applicant, the Non-Applicant has filed the Petition bearing No. 2030/2023 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the learned Judge, Family Court, Pune. It is informed that the distance between Khamgaon to Pune is approximately 700 kilometers.

(6) In view of the above backdrop, I am of the considered opinion that it would be difficult and inconvenient for the Applicant to attend the Proceedings at Pune along with the minor child. Even otherwise, it is the settled law that while considering the Application for transfer of the

Proceedings, convenience of wife is required to be taken into consideration.

(7) Accordingly, I pass the following order:-

(a) The Application is **allowed**.

(b) The Proceedings bearing Hindu Marriage Petition No. A-2030/2023 (Sagar Waghmare vs. Sharda W/o Sagar Waghmare) pending in the Court of learned Judge, Family Court, Pune is hereby withdrawn and transferred to the Court of learned Civil Judge Senior Division, Khamgaon, District Buldhana.

(c) Learned Principal Judge, Family Court, Pune is requested to facilitate the transfer.

The MCA stands **disposed of**. Pending Application(s), if any, stand(s) **disposed of**.

(M.S. JAWALKAR, J.)