



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

MISC. CIVIL APPLICATION No.345 OF 2024

(Megha w/o. Rahul Tayade Vs. Rahul s/o. Arun Tayade)

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

Court's or Judge's orders.

Ms. Nazia Pathan h/f. Mr. S.V. Sirpurkar, Advocate for applicant.
Mr. S.A. Kanetkar, Advocate for respondent.

CORAM : R.M. JOSHI, J.
DATE : 12th JUNE, 2025.

1. The applicant is a lady, who seeks transfer of H.M.P. bearing No.A-647/2023 pending on the file of Family Court, Nashik to Family Court, Nagpur on the ground that she has responsibility of a young son. It is the contention of the counsel for the applicant that it is practically impossible for the applicant to attend the matrimonial proceeding at Nashik which is at a distance of about 650 Kms. She also makes a grievance that no maintenance has been paid to her by the husband. She has also brought to the notice of this Court that there are several criminal proceedings are pending against the respondent in the Courts at Nagpur.

2. Learned counsel for the respondent vehemently opposed the application. It is his submission that the proceeding H.M.P. No.A-647/2023 is filed before the competent Court and there is no case to transfer the said proceeding.

3. The law on the point of transfer of the proceeding is settled to say that the inconvenience of the wife should be considered over and above inconvenience of the husband. Merely because the proceedings are filed before the competent Court, that

does not preclude this Court to transfer the proceedings. Admittedly, there are number of proceedings pending against the respondent and as such he has no option but to appear in Courts at Nagpur. More prejudice will cause to the applicant if the application is not allowed than to the respondent, if it is allowed. The balance of convenience certainly lies in favour of applicant.

4. In the facts of the case, application stands allowed in terms of prayer clause (i).

(R.M. JOSHI, J.)