

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

MISC. CIVIL APPLICATION NO. 114 OF 2015

(Sau. Sonal Amit Chavan Vs. Amit Prakash Chavan)

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

Court's or Judge's orders

Shri S. D. Chopde, Advocate for the applicant.
Smt. U. A. Patil, Advocate for the respondent.

CORAM : A. P. BHANGALE, J.
: 04 SEPT., 2015

1. This application is filed by the wife against the husband for transfer of matrimonial proceedings pending in the Court of Family Judge at Pune to the Family Court at Akola, in the larger interest of justice.

2. According to the applicant, she is having eight years son from her husband and that her husband had driven her out of the matrimonial house after ill-treating her, she is constrained to reside at Akola with her parents without any source of income for her and her son as they are living at the mercy of the father of the applicant. The applicant had to approach learned Judicial Magistrate, First Class, Akola for maintenance for herself and her son and also applied under Prevention of Domestic Violence Act for appropriate relief. Thus, it is submitted that it is very difficult for applicant to travel to Pune and contest the matrimonial petition filed by her husband against her. It is alternatively submitted that it is easy for her husband to come to Akola, where his parents are residing and no prejudice shall be caused to her husband if the petition is transferred to Akola.

3. Opposing this application for transfer, learned Advocate for the respondent submitted that the proceedings in Family Court at Pune is going on, however, she is not in a position to state as to whether the proceedings are going on in absence of the applicant-wife.

4. Be that as it may. Considering the reasons stated in the application, bearing in mind that parents of the applicant as well as respondent are resident of Akola and some proceedings are already pending under Section 125 of the Criminal Procedure Code for maintenance as well as under the Prevention of Domestic Violence Act preferred by the applicant in Akola Court, the request for transfer of the proceedings pending in the Family Court, Pune to Family Court, Akola is reasonable as it is not expected for her to travel with her child to more than 600 Kms. to contest the proceedings in Family Court at Pune. It is in the interest of the respondent-husband particularly when his parents are residing at Akola as indicated in the copy of statement dated 25/4/2014 recorded by the police, annexed to the petition at page No.52, which also indicate that the applicant is willing to stay at Akola at the house of her in-laws for pursuing her Ph.D. studies. That being so, the application is allowed as prayed for.

5. The proceedings pending in the Family Court, Pune are transferred to Family Court, Akola. After the proceedings are transferred, Family Court, Akola shall expeditiously hear and decide the matrimonial proceedings as early as possible.