

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

MISC. CIVIL APPLICATION NO.1011 OF 2014.
(SAU.JYOTI VIJAY TAYDE...VS..VIJAY AMBADAS TAYDE.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : NOVEMBER 24, 2015.

Heard Shri A.S.Dhore, learned advocate for the applicant-wife. None appears for the non-applicant-husband.

2. This application is filed praying for transfer of the Hindu Marriage Petition filed by the non-applicant under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 from Nagpur to Yavatmal.

3. This Court, by order dated 5th September, 2014 directed issuance of notice for final disposal and stayed the further proceedings of the Hindu Marriage Petition. Further orders passed by this Court show that the non-applicant-husband avoided service of notice and delayed the hearing of this application. The notice of the non-applicant-husband could not be served on the address given by him in the petition filed before the trial Court. Even after service of the notice, the non-applicant has chosen not to put in appearance.

4. Accepting the uncontroverted reasons given by the applicant for seeking transfer of the proceedings, following order is passed :

- i) Hindu Marriage Petition No.147 of 2014 filed by the non-applicant and pending before the Civil Judge Sr.Dn., Nagpur is transferred to Civil Judge Senior Division, Yavatmal.
- ii) The non-applicant-husband shall pay the costs of Rs.Five Thousand to the applicant and produce the receipt on the record of the proceedings before the trial Court on the date on which he appears before the trial Court.

The application is **allowed** in the above terms.

JUDGE

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