

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

Misc. Civil Application No. 1236 of 2014

(Sau. Sarita Satish Yadav Vs. Satish Shyamsundar Yadav)

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

Court's or Judge's order

Shri J. B. Gandhi, Advocate for the applicant

CORAM : Prasanna B. Varale, J.

DATE : 1-2-2016.

Heard Shri Gandhi, learned counsel for the applicant.

Though this Court by an order dated 21-11-2014 issued notice and the notice was served on the non-applicant, the non-applicant failed to appear before this Court. On earlier date i.e. on 15-1-2016, this Court considered the issue involved in the present application and granted one more opportunity as a last chance to the non-applicant. In spite of such opportunity granted to the non-applicant, none appears on his behalf. It seems that the non-applicant is not interested in contesting the present application.

The applicant-wife is seeking transfer of matrimonial proceedings from the file of Civil Judge Senior Division, Darwah to Family Court, Akola. It is submitted that the marriage between the couple was solemnized on 21-11-2008 and within a short span of matrimonial life, the applicant was subjected to ill-treatment and harassment at the hands of the non-

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applicant. It is submitted that though the applicant led her life in the matrimonial home with a hope that there would be change in the attitude of the non-applicant but there was no change and she was subjected to continuous mental and physical harassment. The applicant left with no choice to leave her matrimonial home and to take shelter to house of her parents. The applicant initiated some matrimonial proceedings and as a counter blast, the non-applicant also initiated certain proceedings against the applicant.

It is submitted by learned counsel for the applicant that the applicant is residing at Akola at the mercy of her parents, namely, her father who is a retired government employee and is in his advanced age having health issues and is unable to travel. Shri Gandhi further submitted that the issue is born out of the wedlock and presently, the issue is of 5 years of age. He further submitted that it causes inconvenience to the applicant to attend the proceedings at Darwah as there was no direct bus available to reach Darwah and the applicant has to travel by Murtizapur and it takes nearly 3 to 4 hours for one way journey. He submits that as there was no other member in the family to assist the applicant or to come with her to Darwah, it is difficult for her to attend the proceedings at Darwah. He further submits that the non-applicant is attending other proceedings at Akola and no prejudice will be caused to the non-applicant if the proceedings are

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transferred to Akola. Learned counsel Shri Gandhi also placed reliance on some judgment of this Court as well as the Apex Court.

In my opinion, the learned counsel has made out the case. It is also seen that the non-applicant in spite of grant of opportunities failed to appear before this Court and as such, it appears that the non-applicant is not interested in contesting the claim of the applicant. In the result, the application is allowed.

Proceedings, namely, H.M.P. No. 47/2014 pending on the file of Civil Judge Senior Division, Darwah be transferred to Family Court, Akola.

The application is disposed of in above terms.

JUDGE

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