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

MISC. CIVIL APPLICATION NO.1049 OF 2016

Mrs. Ashwini w/o Nilesh Korade,
Aged about 22 years, Occ: Student,
R/o C/o Rekha Khedkar, Plot No.77,
Near Water Tank, Vaibhav Nagar,
Dabha Road, Wadi, Nagpur. ..APPLICANT

VERSUS

Mr. Nilesh s/o Govardhan Korade,
Aged about 35 years, Occ: Business,
resident of Near Gajanan Maharaj
Temple, Akola Bypass Road, Pratik
Nagar, Murtizapur, Dist. Akola. ..RESPONDENT

Mr M.I. Mourya, Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 4th APRIL, 2017

ORAL ORDER :

Heard Mr. Mourya, learned Counsel for the applicant.

2. The applicant, out of matrimonial discord, has initiated the proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 being Misc. Criminal Application No. 2992 of 2016 before the Court of Chief Judicial Magistrate, Nagpur. The respondent-husband initiated the

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proceedings being Hindu Marriage Petition No. 281 of 2016 before the Court of Civil Judge, Senior Division, Akola under Section 13(1)(ia) of the Hindu Marriage Act, 1955 for grant of divorce. It is these proceedings which are sought to be transferred from Akola Court to Nagpur Court on the ground that the applicant-wife is having custody of minor son and it will be difficult for her to travel all the way to Akola and attend the proceedings.

3. The respondent though served, none appears.

4. As the contentions in the application are not controverted and considering the legal position as is pronounced by the Apex Court in catena of judgments, convenience of the wife is required to be considered.

5. In view thereof, Misc. Civil Application is allowed in terms of prayer clause (I).

(N.W. SAMBRE, J.)