

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

MISC. CIVIL APPLICATION NO.533 OF 2016

APPLICANT :- Vaishali Mahesh Pande
Aged about 25 yrs, Occup. Nil
R/o C/o Ramdas Nathuji Chawre Nimbhore
(Bodkha)
Dhamangaon Railway, Dist.Amravati.

...VERSUS...

RESPONDENT :- Mahesh Rameshrao Pande
Aged about 28 years, Occup.Service.
R/o Quarter Club road, Ambazari Ordinance
Factory , Employee Colony, Nagpur.

Adv. Ms. Sejal Lakhani assisted the Court.

CORAM : M. S. KARNIK, J.

DATE : 20.06.2018.

O R D E R:

1. Rule. Rule returnable forthwith.
2. None for the applicant. None for the respondent.

This is an application filed by the applicant-wife for transfer
of the Hindu Marriage Petition No.271 of 2015 from the Court of

Civil Judge, Senior Division, Nagpur to the court of Civil Judge, Senior Division Amravati.

3. As none appeared for the parties, I had requested to Ms. Sejal Lakhani to assist the Court with this matter.

4. It appears that the marriage was solemnised on 23.4.2015 at Dhamangaon. The relations between the couple became strained. The applicant/wife has no source of income. She filed Misc. Cril. Application No.33 of 2015 under Section 23 of the Protection of Woman from Domestic Violence Act, 2005 . In the said application it is prayed that she may be granted interim maintenance of Rs.5,000/- per month. The proceedings under Section 23 of the Protection of Woman from Domestic Violence Act, 2005 were filed on 19th August 2015.

5. On 3rd September 2015 non applicant/husband filed Hindu Marriage Petition No.271 of 2015 before the Civil Judge Senior Division, Nagpur for restitution of conjugal rights.

6. It is contended by the applicant that she is residing at the distance of 165 km from Nagpur and it will cause great hardship to appear on each and every date of hearing in the Court at Nagpur. The non applicant/husband has filed the petition at Nagpur for Restitution of Conjugal Rights and therefore convenience of the applicant is to be considered. According to the applicant, it is more convenient for her to attend the Court at Amravati on each and every date.

7. It has been averred that the applicant is residing with her father and respondent is not paying anything to the applicant for her maintenance.

8. In the application filed before the Judicial Magistrate First Class under Section 23 of the Protection of Woman from Domestic Violence Act, 2005 the applicant has mentioned that the respondent is working in the Central Government Office at Ordinance Factory, Wadi, Nagpur on the post of Darwan (SITU) and drawing the salary more than Rs. 20,000/- per month in addition to other incentives. It is also mentioned that the non applicant is having an agricultural field at village Vadala Tahsil,

Deoli.

9. Taking an overall view of the matter, the Hindu Marriage Petition No.271 of 2015 pending before the Court of Civil Judge, Senior Division, Nagpur is transferred to the Court of Civil Judge, Senior Division Amravati. Misc. Civil Application is allowed.

10. I express my gratitude to the learned advocate Ms. Sejal Lakhani for the able assistance rendered by her.

10. Rule made absolute in the aforesaid terms. No costs.

JUDGE

Kavita.