

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 MISC.CIVIL APPLICATION NO.130 OF 2018

REVATI AKASH DUBEY
VERSUS
AKASH BALAPRASAD DUBEY

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Advocate for Applicant : Mr. Yogesh B.
Advocate for Respondents : Mr. R.R. Kakani

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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 10th, 2020

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PER COURT :-

1 The applicant – wife is seeking transfer of Divorce Petition instituted by the respondent- husband from the Family Court II, Nagpur to the Court of Civil Judge, Senior Division, Parbhani.

2 The applicant contends that her marriage with respondent was solemnized at Parbhani on 27.1.2014. A male child was born from the wedlock on 7.5.2015.

3 The applicant submits that for the reasons which need not be referred to, for the purpose of considering the transfer application, the respondent husband has deserted her. The applicant further submits that while the respondent husband is earning handsome salary, the petitioner and the child are neglected.

4 The submission of the applicant is that her child is aged

2½ years and in the absence of source of income and maintenance, she is finding it difficult to maintain herself and the child. The distance between Parbhani and Nagpur is about 410 kilometers and considering the poor financial position of the applicant, it would be next to impossible for her to travel to Nagpur to attend Divorce Petition.

5 The averments made in the application have gone unchallenged since no affidavit in response is filed by the respondent-husband.

6 Considering averments in the application and the fact that the applicant-wife would find it extremely inconvenient to attend the proceedings at Nagpur, I am satisfied that this application needs to be allowed.

7 The application is allowed in terms of prayer clause 'B' which reads thus:-

"B) By way of appropriate order or directions in the like nature, the Hon'ble Court may kindly transfer the Divorce Petition No.A-1421/2017 pending in the file of Ld. Family Court No.II, Nagpur to the Ld. Civil Judge, Senior Division, Parbhani, District Parbhani, in the interest of justice."

(ROHIT BABAN DEO, J)