

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

MISC. CIVIL APPLICATION [TR] NO.06 OF 2021

[Monali w/o Amit Bhagat .vs. Amit s/o Narayan Bhagat]

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

Court's or Judge's orders

CORAM: M.S. SONAK, J.

DATED: DECEMBER 08, 2021.

Heard Mr. Vivek Awchat, learned counsel
for the applicant.

2. The record indicates that the respondent has been served. The parties were referred to mediation, however, the mediation appears to have failed. Today the respondent is neither present nor represented.

3. Mr. Awchat, learned counsel for the applicant, points out that presently the applicant is residing with her parents at Yavatmal. He points out that the applicant has filed a proceeding under Section 125 of the Code of Criminal Procedure, as well as under Section 12 of the Protection of Women from Domestic Violence Act before the appropriate court in Yavatmal.

4. Mr. Awchat points out that the respondent has instituted a Hindu Marriage Petition No.212/2020 seeking a divorce in the Court of 6th Joint Civil Judge,

Senior Division, at Wardha. He submits that the applicant will have to incur an expenditure of a minimum of Rs.1,000/- on each date that she has attended the proceedings at Wardha. He points out that the applicant will not be in a financial or emotional position to attend such proceedings and incur such expenses.

5. There is a reply filed on behalf of the respondent in this matter. In the reply, the respondent has denied the contentions. The denial is mostly on the merits of the dispute between the parties. Such merits or demerits are quite irrelevant at this stage.

6. Having regard to the position of the applicant and the fact that the respondent is stated to be in service, the interests of justice require that this application is granted. The prejudice, if any, to the respondent will not outweigh the prejudice to the applicant, in case the transfer is refused.

7. Accordingly, this application is allowed in terms of prayer clause (i) which reads as follows :

“Allow the application and transfer the Hindu Marriage Petition No.212/2020 pending at 6th Joint Civil Judge, Senior Division, Wardha (ANNEXURE NO.4) to Family Court at Yavatmal.”

8. Registry to take necessary steps at the earliest to give effect to this order. There shall be no order for costs.

[M.S. SONAK, J.]

Gulande

ABHIMANYU
SHANKARRAO
GULANDE

Digitally signed by
ABHIMANYU
SHANKARRAO GULANDE
Date: 2021.12.10
10:57:22 +0530