

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

MISC. CIVIL APPLICATION NO. 73/2020

Snehal w/o Arpit Dhote,
aged about 30 years, Occ. Nil,
r/o c/o Shri Sheshrao Tajne,
13, Gita Nagar, Zingabai Takli,
Nagpur, Tq. Dist. Nagpur.

.....APPLICANT

...V E R S U S...

Arpit s/o Sudhirrao Dote,
aged 35 years, Occ. Advocate,
r/o Near Bank of India, Rajura,
Tq. Rajura, Dist. Chandrapur.

...NON APPLICANT

Ms Amruta Gupta, Advocate for applicant.
Mr. A. A. Dhawas, Advocate for non applicant.

CORAM:- V. M. DESHPANDE, J.
DATED :- 23.11.2021.

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard finally
by consent of learned counsel for the parties.

Heard Ms Gupta, learned counsel for applicant and
Mr.Dhawas, learned counsel for non applicant.

2. Applicant and non applicant are wife and husband.
Wife has approached to this Court seeking transfer of Hindu

Marriage Petition No. 310/2018 pending on the file of Civil Judge Junior Division, Chandrapur for divorce. The same is filed by the husband.

3. During the course of submission, it is pointed out that the wife has already filed proceeding at Nagpur under the relevant provisions of the Domestic Violence Act in the Court of learned Judicial Magistrate First Class, Nagpur. The husband is participating in the said proceedings.

4. Admittedly, the wife is residing along with her parents and she is not having any independent source of income. It is also not in dispute that as on today, she is not getting any amount of maintenance.

5. Mr. Dhawas, learned counsel for applicant would submit that in view of the pursis dated 16.11.2021 filed by the applicant withdrawing all the allegations made in this application, he has no objection for transferring the matter from Chandrapur to Nagpur.

6. Further, even on merits, since the wife is not getting any amount of maintenance and husband is already participating in the domestic violence proceedings at Nagpur, it will not be prejudicial for the husband to attend the family court proceedings at Nagpur. Of course, he can always move an application before learned Judge of the Family Court to fix the divorce proceedings on very same day when learned Magistrate has fixed the matter.

7. In view of above, I pass the following order.

ORDER

(i) The application is allowed.

(ii) Hindu Marriage Petition No.310/2018 stands transferred from the file of learned Civil Judge Senior Division, Chandrapur to the file of Family Court, Nagpur.

(iii) It will be open for the said learned Judge to try the matter himself or allot the same to any other Judge of the Family Court, Nagpur. Parties agree to appear before Principal Judge of Family Court, Nagpur on 22.12.2021.

(iv) It is made clear that the wife has withdrawn the allegations by filing pursis only for the purpose of present application under Section 24 of the Code of Civil Procedure.

No order as to costs.

JUDGE

kahale

Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 24.11.2021
17:40