

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

MISC. CIVIL APPLICATION (TR) NO.138/2021

Shilpa W/o. Narendra Zadge Vs. Narendra S/o. Nandkumar Zadge

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

Court's or Judge's orders

Mr. Vikrant Vishwarupe, Advocate h/f. Mr. R. R. Vyas, Advocate for applicant.

CORAM : M. S. SONAK, J.

DATE : 06/12/2021.

1. Heard Mr. Vikrant Vishwarupe, learned Advocate for the applicant.

2. The non-applicant has been duly served but has not put appearance in this matter. On 25.11.2021, this position was noted, but an additional opportunity was granted to the non-applicant to file reply or appearance in this matter.

3. This is an application to seek transfer of proceedings instituted by the non-applicant/husband in the Family Court at Nashik to Civil Judge Senior Division at Khamgaon.

4. The applicant has stated that she has instituted proceedings before the learned Judicial Magistrate First Class at Khamgaon under the Domestic Violence Act on 15.04.2019. On receipt of summons in this proceedings, the non-applicant has filed reply before the learned Judicial Magistrate First Class at Khamgaon. But soon thereafter, the non-applicant

has filed a petition for grant of divorce under the Special Marriage Act before the Family Court at Nashik.

5. Mr. Vikrant Vishwarupe, the learned Counsel for the applicant has pointed out that the applicant's financial position is quite precarious. She is presently residing at her parental aunt's house in Khamgaon. Traveling to Nashik is a distance as almost 363 kilometers from Khamgaon and takes about 8 to 9 hours will be extremely difficult for her, considering that, she is a lady and there are difficulties for such long travel by public transport.

6. Mr. Vikrant Vishwarupe, the learned Counsel for the applicant has pointed out that the applicants father is tailor and he is himself facing financial crisis. He pointed out that the non-applicant is a Chartered Accountant and also engaged in providing coaching classes.

7. According to me, based on the aforesaid circumstances pointed out by Mr. Vikrant Vishwarupe, the learned Counsel for the applicant and which circumstances have not been denied by the applicant despite the case is made out for allowing this transfer application.

8. Accordingly, this transfer application is allowed.

9. The proceedings in Petition No.A-691/2019 pending before the learned Family Court, Nashik Road, Nashik is hereby transferred to the Court of Civil Judge Senior Division, Khamgaon, District Buldhana.

10. The Registry to take necessary steps.
11. The application is allowed in the aforesaid terms.
There shall be no order for costs.
12. Pending application(s), if any, stand(s) disposed
of.

(M. S. SONAK, J.)

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