

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

MISC. CIVIL APPLICATION (TR) NO.143 OF 2020

[Trupti Suraj Vidhate **..Vrs..** Suraj Vitthal Vidhate]

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

Court's or Judge's order

Shri. R. D. Karode, Advocate for Applicant

CORAM : M. S. SONAK, J.

DATE : 7th DECEMBER, 2021.

Heard the learned Counsel Shri. R. D. Karode for Applicant.

2. The sole respondent has been served but has not bothered to appear either by himself or through Counsel.

3. This is an Application seeking transfer of proceedings from the Court of the learned Civil Judge, Senior Division, Pune to the Court of the learned Civil Judge, Senior Division, Malkapur, District Buldhana.

4. The Applicant is the wife, who claims to have been forcefully driven out from the matrimonial home and now resides at Nandura. She has instituted proceedings under the Domestic Violence Act, 2005 seeking some relief for herself and her minor son-Rudransh. The same is pending in the Court of Judicial Magistrate First Class, Nandura, District Buldhana bearing Complaint No.28 of 2018.

5. On 11.04.2019, the Respondent instituted a petition under Section 9 of the Hindu Marriage Act, 1955 seeking Restitution of Conjugal Rights in the Court of the

learned 10th Joint Civil Judge, Senior Division at Pune bearing H.M.P. No.870 of 2019.

6. Shri. R. D. Karode, the learned Counsel while rightly submits that the Applicant has to take care of her minor son-Rudransh and it will be virtually impossible for her to travel from Nandura to Pune at a distance about 500 kms. He submits that the Applicant has no financial means to undertake this journey and to attend the Court proceedings in Pune.

7. According to me, a good ground has been made to order the transfer. The Applicant will indeed prejudice, if she has to attend the Court proceedings in Pune. The comparative prejudice, if any, to the Respondent will be quite minimal.

8. Accordingly, this transfer application is **allowed** in terms of prayer Clause (i), which reads as follows :

(i) “transfer Hindu Marriage Petition No.870/2019, which is pending before the learned 10th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Pune to the Court of learned Civil Judge, Senior Division, Malkapur, District Buldana.”

9. The Registry to take necessary steps for implementation of this order.

JUDGE

TAMBE

ASHISH
ASHOKRAO
TAMBE

Digitally signed by
ASHISH
ASHOKRAO TAMBE
Date: 2021.12.08
18:29:16 +0530