

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

MISC. CIVIL APPLICATION NO. 419 OF 2020
(Nagma Perveen w/o Arif Qureshi Vs. Arif s/o Aziz Qureshi)

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

Court's or Judge's orders.

Shri S.S. Bhalerao, Advocate for the applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2021.

Heard.

2. This is an application filed by the applicant/wife under Section 24 of the Code of Civil Procedure praying for transfer of Petition No.A-313/2019 pending on the file of the Family Court, Nagpur to the Court of the Civil Judge, Senior Division, Bhusawal which was filed by the non-applicant/husband.

3. I have heard Shri Bhalerao, learned counsel appearing for the applicant. None appeared for the respondent, despite due service.

4. It is stated that the marriage between the parties was solemnized on 15/01/2018 at Bhusawal as per Muslim rites and customs. It is stated that due to marital disharmony, on 21/01/2019 the applicant wife has left her matrimonial house and took shelter at her parents' house at Bhusawal.

5. It is further stated that the father of the applicant is paralytic and bed ridden. There is no one in the house of her parents to accompany the applicant for attending the proceedings at Nagpur. The distance from Bhusawal to Nagpur is around 410 kilometers and it takes about 8 to 10 hours of travel time.

6. It is further stated that in order to harass the applicant, the aforesaid proceedings for restitution of conjugal rights came to be filed by the non-applicant. It is also submitted that the non-applicant is already attending the proceedings under the Domestic Violence Act, 2005 which is pending in the Court at Bhusawal and, therefore, it would be convenient for the non-applicant to attend both the proceedings at Bhusawal. The applicant also expressed apprehension of physical hurt at the hands of the non-applicant and his family members and, therefore, she has sought police protection from the Police Station, Sadar, Nagpur, for attending the court proceedings.

7. With regard to source of income, it is stated that the applicant has no source of income while the non-applicant is trading in cattle, hence, he is able to attend the proceedings at Bhusawal.

8. Despite due service, the non-applicant/husband preferred not to appear before this Court. It appears that the non-applicant/husband has no objection if the petition is transferred to the Court at Bhusawal.

9. Considering the hardships which is being faced by the applicant, as demonstrated above, the prayer in this application needs to be granted. Accordingly, the application is allowed. The petition No. A-313/2019, which is pending on the file of the Family Court, Nagpur is withdrawn and transferred to the Court of the Civil Judge, Senior Division, Bhusawal, District – Bhusawal.

10. The Civil Application is accordingly stands disposed of.

JUDGE