

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

MISCELLANEOUS CIVIL APPLICATION NO. 301 OF 2020

Mrs. Snehal W/o Vivek Ubarhande,
Aged 28 years, Occ : Nil,
R/o C/o Shri Bhagwan Shingane,
Sarswati Nagar, Near Shivaji Gym Ward
No.5, Chikhali, Dist Buldhana – 443201

} .. **APPLICANT**

Versus

Mr. Vivek S/o Eknath Ubarhande,
aged : 33 years, Occ : Landlord / Service,
R/o Plot No. 18, Loknath Tower, Near
Ramkrishna Math, Dhantoli, Nagpur-12

} .. **RESPONDENT**

Ms. Prajkta Chaudhari Advocate for applicant
Mr. Shriram Deoras, Advocate for the respondent

CORAM: V.M. DESHPANDE, J.

DATE : 27/10/2021

ORAL JUDGMENT :

Rule. Rule is made returnable forthwith.

2. Heard Smt. Prajkata Chaudhari, learned counsel for the applicant and Shri Shriram Deoras, learned counsel for the non-applicant.

3. The applicant is wife and non-applicant is husband. Their marriage took place on 03/06/2017 at Chikhali. After the

marriage the applicant started her cohabitation with non-applicant. However, due to matrimonial bickering they started residing separately. The applicant started residing with her parents at Chikhali. The non-applicant – husband filed a Petition under Section 13(1)(a) of the Hindu Marriage Act for dissolution of marriage in the Family Court, Nagpur. The said petition is registered as Petition No. A-1039/2019. This Court is not concerned about the merits or demerits of the divorce petition.

4. Applicant - wife submitted that she is dependent upon her father, who is a Teacher. There is no dispute before this Court that distance between Chikhali and Nagpur is around 400 Km.

5. After hearing the learned counsel Smt. Chaudhari for the applicant and Shri Deoras for the non-applicant and after having gone through the contents of the application and reply filed on behalf of the non-applicant, I am of the view that no prejudice will be caused to the non-applicant – husband, if the petition filed by him at the Family Court, Nagpur is transferred to Family Court, Buldhana. Resultantly, I pass the

following order :

- i) The application is allowed.
- ii) Petition No. A-1039/2019 filed by the non-applicant and which is pending on the file of Family Court No.3, Nagpur is hereby transferred to the Family Court at Buldhana.
- iii) The parties are directed to appear before the learned Judge of the Family Court at Buldhana on 8th December 2021.
- iv) The learned Judge of the Family Court, Buldhana is expected to decide the said petition as early as possible in accordance with law.

Rule is made absolute in above terms.

No costs.

JUDGE

MP Deshpande