

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

MISC. CIVIL APPLICATION NO.404/2020

Renuka w/o. Jayprakash Sharma Vs. Jayprakash S/o. Bhagirath Sharma

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

Court's or Judge's orders

Mr. P. R. Agrawal, Advocate for Applicant.

CORAM : M. S. SONAK, J.

DATE : 06/12/2021.

1. Heard Mr. P. R. Agrawal, learned Counsel for the applicant.
2. The respondent is served but neither appears himself or through any Counsel.
3. On 17.12.2020 while granting interim relief, this Court made the following order.

“Heard.

2. The applicant who is respondent in HMP 370/2019 pending on the file of Civil Judge Senior Division, Malegaon, Dist. Nashik has sought for transfer of said proceedings to the Court of Civil Judge Senior Division, Mehakar, Dist. Buldhan. The appellant – lady contended that due to matrimonial dispute, she is staying at her parental house at Mehakar with her two kids aged 7 years and 3.5 years respectfully. She contended that she has already filed proceedings under Section 125 of the Code of Criminal procedure in the Court of Judicial Magistrate First Class, Mehakar which is pending. It is submitted that non-applicant/husband has put his appearance in the Court of Magistrate at Mehakar. The applicant-lady would contend that the Court of

Malegaon, Dist. Nashik is 290 k.m. away from her place of resident i.e. Mehakar. She expressed her financial as well as physical difficulty to attend the Court of Malegaon, Dist. Nashik and she has also expressed that she is living with her two minor children. It is informed that in HMP No. 370/2019, applicant has put her appearance and the stage is of filing her written statement and hearing on her interim application.

3. Issue notice to the non-applicant returnable after four weeks.

4. In the meantime, the proceedings of HMP No. 370/2019 pending on the file of Civil Judge Senior Division, Malegaon, Dist. Nashik stands stayed, however on the next date of the proceeding, applicant shall file her written statement.

5. Put up this matter after four weeks.”

4. Having regard to the facts that the applicant is staying at her parental house at Mehakar with her two children aged below 10 years and further having regard to the circumstances, the applicant has already filed proceedings seeking maintenance under Section 125 of the Code of Criminal Procedure in the Court of learned Judicial Magistrate First Class, Mehakar. It is only appropriate that the proceedings instituted by the non-applicant/husband at Malegaon in Hindu Marriage Petition No.370/2019 on the file of the learned Civil Judge, Senior Division, Malegaon is transferred to the file of Civil Judge, Senior Division at Mehakar, this order is made accordingly.

5. The transfer application is allowed accordingly in terms of prayer clause - (i) of the application, which reads as follows :-

“(i) Transfer the matrimonial proceedings pending on the file of learned Civil Judge Senior Division, Malegaon vide Marriage Petition No.370/2019 (**ANNEXURE-“C”**) to the file of Civil Judge Senior Division, Mehkar.”

6. There shall be no order for costs.
7. The Registry to take the necessary steps in this regard.

(M. S. SONAK, J.)

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