

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

MISCELLANEOUS CIVIL APPLICATION NO. 443 OF 2021

Priya w/o Kishor Khadge,
Aged about 31 years, Occu. : Nil,
R/o C/o. Vasantrao Vishwanath Rambhad,
M.I.D.C. Road, Samra Nagar No.2,
Rukhmini Nagar, Amravati,
Maharashtra - 444606

} .. **APPLICANT**

Versus

Kishor s/o Mahadeo Khadge
Aged about 37 years, Occu. : Service,
R/o 26, Sant Gajanan Nagar, Chikhale
Layout, Pipla Road, Nagpur - 440034

} .. **NON-APPLICANT**

Mrs. S.W. Deshpande, Advocate for applicant

CORAM: V.M. DESHPANDE, J.

DATE : 27/10/2021

ORAL JUDGMENT :

Rule. Rule is made returnable forthwith.

2. Heard Mrs. S.W. Deshpande, learned counsel for the applicant.

3. In spite of the service, the non-applicant chose not to remain present before the Court in this application.

4. This application is filed under Section 24 of the Code of Civil Procedure with a prayer to transfer Hindu Marriage Petition i.e. Petition No. A-928/2020 from the file of Family Court, Nagpur to the Family Court, Amravati. The application is filed on affidavit by the applicant. The contents of the application have remained uncontroverted. As per the applicant, the marriage between the applicant and non-applicant took place on 09/03/2019. The non-applicant, who was working as Driver in the Maharashtra State Road Transport Corporation, whereas the applicant is housewife. It is stated on oath that after attending the Rakhi festival at Amravati when the applicant went to her matrimonial house, she was not allowed to take entry in her house and she was driven away requiring her to file complaint with Mahila Cell, Police Station Rajapeth, Amravati. Though he was called in the said Cell, the non-applicant did not attend the proceedings. It is stated on oath that thereafter the applicant has received a notice of divorce petition filed by the non-applicant for the dissolution of marriage from the Family Court, Nagpur.

5. Since the contents of the application has remained

uncontroverted and looking to the fact that the non-applicant himself is working as a Driver in the Maharashtra State Road Transport Corporation, no prejudice will be caused to him if the petition is transferred from the Family Court, Nagpur to Family Court, Amravati. Resultantly, I pass the following order :

- i) The application is allowed.
- ii) Petition No. A-928/2020 pending on the file of Family Court No.2, Nagpur shall stand transferred to the Family Court, Amravati.
- iii) The learned Judge of the Family Court at Amravati is directed to issue notice to the non-applicant (original petitioner) and decide the proceedings in accordance with law.

Rule is made absolute in above terms.

No costs.

JUDGE

MP Deshpande