

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

MISC. CIVIL APPLICATION NO. 33 OF 2021

Sau. Roshana w/o Abhay Tawani vs. Abhay Jayprakash Tawani

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

Court's or Judge's Orders.

Ms. Ritu Jog, Advocate for applicant.
Mr. V. S. Giramkar, Advocate for non-applicant.

CORAM : MANISH PITALE J.

DATE : 18/04/2022

The applicant (wife) is seeking transfer of divorce petition filed by the respondent (husband) from the Family Court at Amravati to the Court of Civil Judge Senior Division, Mangrulpir, District Washim.

2. It is brought to the notice of this Court that the applicant is residing at Karanja Lad in District Washim and that the nearest Court for her would be the Court of Civil Judge Senior Division at Mangrulpir, District Washim. It is further brought to the notice of this Court that due to matrimonial discord the parties have been living separately and that the applicant is dependent on her brother, having no independent source of income. There are two

minor children in her custody at Karanja Lad and if the proceedings are not transferred, she will find it difficult to effectively represent her cause before the Family Court at Amravati.

3. The prayer made in the present application is vehemently opposed on behalf of the respondent by stating that the applicant has been participating in the proceeding since the year 2018, when the divorce petition was filed and that the distance between two places is not considerable to justify the prayer in the present application.

4. This Court has considered the contents of the application and the documents filed therewith. There is no dispute about the fact that the applicant has initiated two proceedings before the competent Court at Karanja Lad, District Washim, which the respondent is defending. One of the proceedings pertains to the prayer for maintenance under Section 125 of the Criminal Procedure Code and the other is an application under the provisions of Protection of Women from Domestic Violence Act, 2005.

5. Since the applicant has to take care of two minor children and she has no independent source of income, this Court is convinced that it would

appropriate to grant the present application, considering the fact that the convenience of the wife is one of the major considerations in such matters.

6. Hence, the application is allowed and the divorce petition filed by the respondent bearing H.M.P No.A-152 of 2018, is transferred from the Family Court at Amravati to the Court of Civil Judge Senior Division at Mangrulpir, District Washim.

7. The Family Court at Amravati shall immediately transmit the record to the Court of Civil Judge Senior Division, Mangrulpir, District Washim

8. The Court of Civil Judge Senior Division, Mangrulpir, District Washim, is directed to finally dispose of the divorce petition within one year of receipt of the record.

JUDGE