

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

MISC. CIVIL APPLICATION NO. 34 OF 2022

Sau. Minal Sandip Shimpi (Jadhav) -- Applicant
Ku. Minal Vinodrao Kakde

Vs.

Sandip Sunil Shimpi (Jadhav) -- Non-applicant

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

Court's or Judge's orders

Ms. Swati Kulkarni, Advocate for Applicant

CORAM : MANISH PITALE, J.

DATE : 6th APRIL, 2022

By this application, the applicant (wife) is seeking transfer of divorce petition filed by the respondent (husband) from the Court at Pune to the Family Court at Amravati

2. This Court issued notice in the present application, which was served on the non-applicant, but, he has chosen not to appear before this Court.

3. The learned counsel appearing for the applicant has brought to the notice of this Court that there are two proceedings already pending at Amravati, one being a proceeding for maintenance

claimed by the applicant under Section 125 of the Code of Criminal Procedure and the other being an application under the provisions of the Protection of Women from Domestic Violence Act, 2005. The non-applicant is required to attend these two proceedings in the competent Courts at Amravati.

4. It is brought to the notice of this Court that after matrimonial discord between the parties, the applicant is residing with her parents at Amravati. She has no independent source of income. The minor daughter born from the wedlock is about three years old and she is living with the applicant at Amravati.

5. In these circumstances, it is obvious that the applicant may not be able to effectively represent her cause in the divorce petition filed by the respondent (husband) at Pune.

6. In view of the two proceedings pending at Amravati which the non-applicant has to face, it would be in the interest of justice that the present application is allowed.

7. Accordingly, the application is allowed.

8. The divorce petition filed by the non-applicant bearing H.M.P. No. 696/2021, pending before Civil Judge, Senior Division, Pune is transferred to the Family Court at Amravati.

9. The concerned Court at Pune is directed to immediately transmit the record to the Family Court at Amravati.

JUDGE