

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

Misc. Civil Application No.177/2022

Sau. Neha V Priyesh

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

Court's or Judge's Orders

CORAM : AVINASH G GHAROTE, J.

DATE : 16-12-2022

None appears for the applicant, therefore, the matter was fixed today for order of dismissal. Today also none appears. The non-applicant is also not represented though served. However, considering the nature of matter, which seeks transfer of Petition A-276/21 filed by the husband under Section 9 of the Hindu Marriage Act, 1955, at Family Court, Amravati to the Family Court at Yavatmal, on the ground that the applicant/wife is residing there and finding it difficult to travel to Amravati and the fact that the proceedings under the Domestic Violence Act have already been instituted before the JMFC Yavatmal in which the non-applicant would be appearing and so also pendency of Petition No.E 38/21 before the Family Court at Yavatmal as filed by the wife, In view of what has been held in **D. Raja Rajeswari Vs Satish Kumar (2022) 2 SCC 329** and **Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar (2009 (1) Mh.L.J.303)**, the application is allowed.

2. It is made clear that all the matters which are

instituted by the applicant against the non-applicant shall be listed on the same day in order to avoid any inconvenience to the non-applicant.

3. In case there is Video Conferencing facilities available with the Court at Yavatmal, any application filed by the non-applicant for appearing in the proceedings through video conferencing shall be taken into consideration, unless the personal physical presence is desired by the Court.

4. The applicant shall place a copy of this order before the Family Court at Amravati on 05-01-2023 to apprise him of the same and enable him to transfer the record to the Family Court at Yavatmal.

5. The parties shall put an appearance before the Family Court at Yavatmal on 12-01-2023. Application is allowed in the above terms. No costs.

JUDGE