

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

**MISC. CIVIL APPLICATION (TR) NO. 177 OF 2021**

Sau. Reena @ Sarika Shailesh Kadu vs. Shailesh @ Shyam Vasantrao  
Kadu

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

Court's or Judge's Orders.

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Mr. A. R. Wagh, Advocate for applicant.

**CORAM : MANISH PITALE J.**

**DATE : 04/04/2022**

Heard learned counsel for the applicant.  
Despite service, there is no representation on behalf  
of the respondent.

2. By this application the applicant (wife) is seeking transfer of divorce petition filed by the respondent(husband) from the Court of 3<sup>rd</sup> Joint Civil Judge, Senior Division, Wardha to the Family Court at Amravati.

3. A perusal of the application shows that the parties got married on 28/11/2019. Due to matrimonial discord, the applicant claims to have left the matrimonial house and she is now residing at Amravati with her parents. The applicant states that

she has no independent source of income and she is dependent on her parents.

4. It is also brought to the notice of this Court that on 03/11/2020, a girl child was born from the wedlock. The said minor child is with the applicant at Amravati. On these facts, it is submitted that the applicant will not be able to effectively contest the divorce petition filed by the respondent at Wardha. It is submitted that the applicant has also initiated proceedings under the provisions of the Protection of Women from Domestic Violence Act, at Amravati which the respondent would have to face.

5. In view of the facts and circumstance of the present case, this Court is of the opinion that the applicant has made out a case for transfer of the divorce petition initiated by the respondent at Wardha to the competent Court at Amravati.

6. In view of the above, the application is allowed. Divorce petition bearing Hindu Marriage Petition No.265 of 2020 filed by the respondent is transferred from the Court of 3<sup>rd</sup> Joint Civil Judge, Senior Division, Wardha to the Family Court at Amravati.

7. The 3<sup>rd</sup> Joint Civil Judge, Senior Division, Wardha is directed to immediately transfer the record to the Family Court at Amravati.

**JUDGE**