

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

Misc. Civil Application (Tr.) No. 42 of 2022

Rachna Bhoite W/o Amit Bhoite,
Aged about 38 Years, Occ. : Nil,
Resident of C/o Sadashiv Ghomode,
Bhairavnath Nagar, House No. 1536,
Lonavala, Aundh Road, Kushgaon (Bu),
Tahsil Maval, District Pune : 4410401.

.... Applicant

.. Versus ..

Amit Bhoite S/o Balaji Bhoite,
Aged about 42 Years, Occ. : Service,
Resident of House No. 754/104,
Ward No. 1, Vinayak Nagar,
Khairi, Tahsil Kampthee,
District Nagpur 440026.

.... Non-Applicant

Mr. Sanket A. Walde, Advocate for the applicant
Mr. Sachin K. Hatwar, Advocate for the non-applicant

CORAM : SMT. M. S. JAWALKAR, J.
DATED : 21-07-2022

ORAL JUDGMENT

Heard finally at the stage of admission by consent and request of parties.

2. The present application is filed by wife – defendant for transfer of Hindu Marriage Petition (A) No. 1125 of 2021 pending on the

file of Family Court, Nagpur to the Court of Civil Judge Senior Division, Vadgaon (Maval), Pune.

3. In spite of granting opportunity, no reply is filed by the non-applicant. However, the application is strongly opposed by learned counsel for the respondent for the reasons that the applicant is involved in political activities and active member of Bahujan Republican Socialist Party.

4. The learned counsel for the applicant submitted that marriage is performed on 30-4-2009 at Nagpur. The applicant has one daughter out of wedlock, born on 3-1-2011. The non-applicant is in service of Railway Department of Central Government and drawing handsome salary. The non-applicant and his family member treated the applicant with cruelty mentally as physically. Therefore, she left her matrimonial house and came to reside at her parents house at Lonavala. The proceedings for grant of maintenance and under the Protection of Women from Domestic Violence Act are pending in the Court at Vadgaon (Maval), therefore, it would be convenient for her, if the matter is transferred at Vadgaon (Maval), Pune.

5. Without going into the merits of the matter and considering the fact that already two cases are pending at Vadgaon (Maval), Pune, it

would be convenient to the applicant to attend the matter at Vadgaon(Maval). Accordingly, I pass following order.

ORDER

(i) Hindu Marriage Petition (A) No. 1125 of 2021 titled as “Amit Bhoite Vs. Rachna Bhoite” pending in the Court of Principal Judge, Family Court, Nagpur is hereby withdrawn and transferred to the Civil Judge Senior Division, Vadgaon(Maval), Pune.

(ii) Learned Principal Judge, Family Court, Nagpur is hereby requested to facilitate transfer.

(iii) After transfer, the learned Civil Judge Senior Division, Vadgaon(Maval), Pune to take endeavour to refer the matter for mediation and to see that it will be settled amicably.

(iv) The parties to appear before the Civil Judge Senior Division, Vadgaon (Maval), Pune on 17-8-2022 at 11.00 a.m.

(v) The application is allowed and disposed of.

JUDGE

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Digitally signed by AVINASH
YUVRAJ WASNIK
Signing Date: 22.07.2022 10:18