

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

MISC. CIVIL APPLICATION (TR.) NO. 48 OF 2022

Sau. Monika w/o. Devesh Chaurasiya vs. Devesh s/o Purushottam
Chaurasiya

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

Court's or Judge's Orders.

Mr. T. H. Bewali, Advocate for applicant.

CORAM : MANISH PITALE J.

DATE : 22/04/2022

By this application, the applicant (wife) is seeking transfer of divorce petition filed by the respondent (husband) from the Family Court No.2, Nagpur to Family Court at Amravati.

2. This Court issued notice in the present application. The respondent had filed reply. Today, when the application is called out for hearing, none has appeared on behalf of the respondent.

3. The learned counsel for the applicant has invited attention of this Court to the contents of the application and the documents filed therewith. He submits that on the basis of the material placed on

record sufficient grounds are made out for transfer of the proceeding.

4. The material on record shows that the parties got married on 09/05/2018 at Nagpur. There is a minor child from the wedlock, who is in the custody of the applicant. She is residing at Amravati because due to matrimonial discord the parties are living separately.

5. It is brought to the notice of this Court that there are three proceedings already pending at Amravati, which the respondent is contesting. One proceeding is an application for restitution of conjugal rights filed by the applicant before the competent Court at Amravati; second proceeding is an application under the provisions of the Protection of Women from Domestic Violence Act, 2005 filed at Amravati and the third proceeding is a criminal case initiated by the applicant against the respondent at Amravati.

6. In the reply, the respondent has opposed the present application and it is stated that the respondent is working at Kamptee, District Nagpur and that it would be difficult for him to attend the case at Amravati.

7. There is no dispute about the fact that three proceedings are already pending at Amravati initiated by the applicant, which the respondent is defending. The convenience of the wife is a major consideration in such matters. The applicant is also having custody of the minor child and therefore, this Court is of the opinion that sufficient ground is made out for granting the prayers made in the present application.

8. Hence, the application is allowed.

9. The divorce petition filed by the husband bearing Petition No.A-1160 of 2021 pending before the Family Court No.2, Nagpur is transferred to Family Court at Amravati.

10. The Family Court, Nagpur is directed to immediately transmit the record to the Family Court at Amravati.

JUDGE