

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

Misc. Civil Application (Tr.) No. 114 of 2022

Sau. Jyoti Sudhir More
aged 34 years, Occ : household
R/o C/o Ramrat Pundlik Shirsat
Near Indira Nagar Auto Stand,
Dhammakuti, Krushi Nagar, Akola
Tq. Dist. Akola.

.... Applicant

.. Versus ..

Sudhir Baburao More,
aged 44 yrs., Occ. Service,
R/o Flat No. 210, C-Wing,
Pancharatna Housing Society,
Fatima Nagar, Hadapsar, Pune.

.... Non-Applicant/
Respondent

Mr. Ram Karode, Advocate h/f Mr. S. S. Kashid, Advocate for the
applicant

Mr. A. B. Sonawane, Advocate for the non-applicant/respondent

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 for transfer of Hindu
Marriage Petition No. A/2227/2021 (Sudhir More Vs. Sau. Jyoti More)
pending on the file of Family Court-1, Pune to Family Court, Akola.

3. It is submitted that marriage is solemnized on 12-11-2017. After marriage, the applicant went to reside at Pune for cohabitation. All the family members ill-treated her and she was constrained to reside at her parents house. She filed proceeding under Section 125 of the Code of Criminal Procedure at Family Court, Akola. The respondent – husband filed petition under Section 9 of the Hindu Marriage Act before the Family Court, Pune bearing Petition No. A/2227/2021. It is her contention that her financial condition is very weak. She is having 3½ years old child and it would be inconvenient for her to attend the proceeding at Family Court, Pune.

4. Learned counsel for the respondent vehemently opposed the application on the ground that he is working in cooperative bank and it would be difficult for him to obtain leave. Therefore, it would be impossible for him to attend the Court at Akola regularly. It is also the contention that there is no documentary proof of salary or earnings of other family members.

5. I consider the contentions of the parties. There is proceeding pending under Section 125 of the Code of Criminal Procedure before Family Court, Akola, Moreover, the applicant is having 3½ years old child, therefore, it would be inconvenient for her to attend the

proceeding at Family Court, Pune. Considering the fact that the respondent otherwise also required to attend the court proceeding at Akola, I am inclined to allow this application. Accordingly, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Hindu Marriage Petition No. A/2227/2021 (Sudhir More Vs. Sau. Jyoti More) pending on the file of Family Court-1, Pune is hereby withdrawn and transferred to the Family Court, Akola.
- (iii) Learned Principal Judge, Family Court, Pune is hereby requested to facilitate transfer.
- (iv) After transfer, the learned Judge, Family Court, Akola to take endeavour for amicable settlement by himself or through mediator.
- (v) The parties to appear before the Family Court, Akola on 25-8-2022.

JUDGE

wasnik