

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

MISC. CIVIL APPLICATION NO. 173 OF 2021

Sau. Rakhi w/o Pravin Atterkar
Vs.
Pravin s/o Pradip Atterkar

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

Court's or Judge's Orders.

Mr. Vijay N. Morande, Advocate for applicant.

CORAM : MANISH PITALE J.

DATE : 17.03.2022.

By this application, the applicant i.e. wife is seeking transfer of Hindu Marriage Petition No.52/2020 filed by the respondent i.e. husband before the Court of Joint Civil Judge Senior Division, Chandrapur, to the Court of Civil Judge Senior Division at Gadchiroli.

2. It is pointed out that the applicant had filed an application for restitution of conjugal rights bearing Hindu Marriage Petition No.98/2019 before the Court of Civil Judge Senior Division at Gadchiroli and this was prior in point of time as compared to

the divorce petition filed by the husband at Chandrapur.

3. Notice was issued in this application wherein the respondent was served but, he has chosen not to appear before this Court.

4. Mr. Morande, learned counsel appearing for the applicant pointed out that the applicant is presently residing with her parents at Armori, District-Gadchiroli and that the three years old son from the wedlock is also in her custody. It is submitted that the applicant will face grave inconvenience if the proceedings is not transferred to the Court at Gadchiroli.

5. It is further pointed out that in the aforesaid proceedings initiated by the applicant at Gadchiroli, the respondent would have to appear and that if both the proceedings are taken up at Gadchiroli, it would be in the interest of justice. Considering the contention raised on behalf of the applicant, particularly in the light of the fact that the minor son is in the custody of the applicant at Armori, District – Gadchiroli, this Court is of the opinion that it would be in the interest of justice that the present application is allowed.

6. Accordingly, the application is allowed and the Hindu Marriage Petition No.52/2020 filed by the respondent-husband and pending before the Court of Joint Civil Judge Senior Division, Chandrapur is transferred to the Court of Civil Judge Senior Division at Gadchiroli.

7. Considering the aforesaid, the Court at Chandrapur is directed to transfer the record of the said petition to the Court at Gadchiroli, at the earliest.

JUDGE

Prity

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GABHANE

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