

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

MISC. CIVIL APPLICATION NO.245/2021

Mrs. Apeksha Naresh Makwana Vs. Naresh Shyamrao Makwana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs S.K. Paunikar, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 22/08/2022

Heard.

2. The present application is filed by the applicant-wife for transfer of proceedings bearing Marriage Petition No.954/2020 pending before the learned 9th Joint Civil Judge, Senior Division and Additional C.J.M. Pune to the Family Court at Bhandara.

3. Though notice was served to the respondent, the learned Counsel for respondent remains absent.

4. It is submitted that the applicant is legally wedded wife of non-applicant. Their marriage performed on 20/06/2019 at Nagpur. It is contended that the applicant was constrained to leave in the house of non-applicant due to mental and physical harassment. The applicant has filed criminal proceedings under the provisions of Domestic Violence Act at Mohadi which is pending. The applicant has not received any notice in the petition, however, it came to know in the website. The contention of the applicant is that she is not having parents, she is residing with her uncle without there being any

financial support. Considering the distance, it would be difficult for her to attend the litigation at Pune from Bhandara without there being an escort.

5. Learned Counsel for applicant also submitted that recently, the applicant detected having cancer. As such, the pending proceeding at Pune needs to be transferred at the Family Court, Bhandara.

6. I am satisfied that the applicant being a lady without any support of parents depending on her uncle would be difficult and inconvenient to attend the proceeding at Family Court, Pune.

7. For the reasons stated above, I am of the considered opinion that the matter before the Family Court, Pune needs to be transferred at Family Court, Bhandara. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The Marriage Petition No.954/2020 pending before the 9th Joint Civil Judge, Senior Division and Additional C.J.M. Pune is hereby withdrawn and transferred to Principle Judge, Family Court, Bhandara.
- iii) The Family Court, Pune is requested to facilitate the transfer.

The application is disposed of accordingly.