

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

MISC. CIVIL APPLICATION NO. 153 OF 2021

Kanchan W/o Pranay Mahale ..VS.. Pranay S/o Vijay Mahale

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

Court's or Judge's orders

Mr. V.S. Wankhade, Advocate for applicant.
None for the non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Mr. V.S. Wankhade, learned counsel for the applicant. Mr. Gandhi learned counsel for the respondent is absent.

2. The application seeks transfer of Petition A-291/2019 pending on the file of Family Court, Thane instituted by the husband, to the learned Civil Judge, Senior Division, Malkapur, District Buldhana, where the applicant/wife is residing and the proceedings instituted by her under the Hindu Marriage Act, 1955 is pending, in which the non-applicant/husband is already appearing.

3. In view of what has been held in *D. Raja Rajeswari Vs. R. Sathish Kumar, (2022) 2 SCC 329*, regarding the convenience of the wife and *Sangmitra Vs. Ramakant 2009 (1) Mh.L.J. 303*, Petition A. 291/2019 pending on the file of learned Family Court, Thane, is hereby transferred to the learned Civil Judge, Senior Division, Malkapur, District Buldhana.

4. The applicant through counsel shall appear before the learned Civil Judge, Senior Division, Malkapur, on 07.10.2022 and place a copy of this order before the learned Civil Judge, Senior Division, Malkapur, to apprise the Court of this order.

5. The applicant through counsel shall place a copy of this order before the learned Family Court, Thane, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Civil Judge, Senior Division, Malkapur, District Buldhana.

6. Both the matters shall be kept on the same date by the learned Civil Judge, Senior Division, Malkapur, in order to avoid any inconvenience to the non-applicant/husband.

7. In case there are Video Conferencing facilities available with the Civil Judge, Senior Division, Malkapur, the personal presence of the non-applicant/husband shall not be insisted upon and as far as possible, his appearance through Video Conferencing will be permitted. Even the recording of the evidence of the non-applicant/husband as well as the witnesses, if deemed appropriate by the Civil Judge, Senior Division, Malkapur shall be done through the Video Conferencing.

8. The application is **allowed** and disposed of. No costs.

JUDGE