

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

Civil Application [MCA] No.206 of 2021

Sau. Anamika w/o Swapnil Bobde

vs.

Shri Swapnil Virendra Bobde

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

Court's or Judge's Orders

Mr. R.U. Pahurkar, Advocate for the Applicant.

CORAM : MANISH PITALE, J.

DATE : 5th APRIL, 2022.

By this application, the applicant (wife) is seeking transfer of petition for restitution of conjugal rights filed by the non-applicant (husband) before the Family Court at Nashik, to the Court of Civil Judge Senior Division at Khamgaon.

02] The parties got married on 04/12/2016 at Khamgaon. Due to matrimonial discord, the parties have been living separately. The applicant (wife) is residing at Khamgaon with her parents. She has no independent source of income. It is an admitted position that the applicant initiated proceedings against the non-applicant under the provisions of the Protection of Women from Domestic Violence Act, 2005 before the competent Court at Khamgaon and also a proceedings under Section 125 of the Code of Criminal Procedure for maintenance before the competent Court at Khamgaon. These proceedings were initiated prior to filing of the petition for restitution of conjugal rights by the non-applicant (husband) in the Family Court at Nashik.

03] Despite service, the non-applicant has chosen not to appear before this Court. It is reported that the non-applicant is attending the said proceedings filed on behalf of the applicant in the competent Court at Khamgaon.

04] In view of the above, case for transfer of proceedings is made out. Accordingly, the application is allowed. Hindu Marriage Petition bearing No.A-525/2020 i.e. the petition for restitution of conjugal rights, filed by the non-applicant before the Family Court at Nashik is transferred to the Court of Civil Judge Senior Division at Khamgaon. The Family Court at Nashik is directed to transfer the record immediately to the aforesaid Court at Khamgaon.

JUDGE

**sandesh*