

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

MISC. CIVIL APPLICATION NO. 253 OF 2021

Sau. Shilpa W/o Gaurav Gadar ..VS.. Gaurav S/o Vijayrao Gadar

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

Court's or Judge's orders

Mr. A.R. Wagh, Advocate h/f Mr. R.A. Gupte, Advocate for applicant.

Mr. C.A. Babrekar, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Mr. A.R. Wagh, counsel holding for Mr. R.A. Gupte, learned counsel for the applicant and Mr. C.A. Babrekar, learned counsel for the respondent.

2. The application seeks transfer of Petition No. A-53 of 2021 pending on the file of Family Court, Amravati, instituted by the husband, to the learned Civil Judge, Senior Division, Bhandara, where the applicant/wife is residing and the proceedings instituted by her under the The Hindu Marriage Act, 1955 are pending, in which the non-applicant/husband is already appearing.

3. Though the application vehemently opposed by Mr. Babrekar, learned counsel for the respondent, in view of what has been held in *D. Raja Rajeswari Vs. R. Satish Kumar*, (2022) 2 SCC 329, regarding the

convenience of the wife, Petition No. A-53 of 2021 pending on the file of the learned Family Court, Amravati, is hereby transferred to the learned Civil Judge, Senior Division, Bhandara.

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

5. The parties through their counsel shall place a copy of this order before the learned Family Court, Amravati, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Civil Judge, Senior Division, Bhandara.

6. Both the matters shall be kept on the same date by the learned Civil Judge, Senior Division, Bhandara, 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, Bhandara, 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, Bhandara shall be done through the Video Conferencing.

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

JUDGE

Kirtak