

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

MISC. CIVIL APPLICATION NO. 254 OF 2021

Sau. Kanchan w/o Suresh Dhande

Vs.

Suresh s/o Dhanraj Dhande

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

Court's or Judge's Orders.

Ms. Meera P. Kshirsagar, 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.A/108/2021, filed by the respondent i.e. husband from the Family Court at Nagpur to the Family Court at Amravati.

2. This Court issued notice to the respondent and granted interim stay of further proceedings. The respondent has been served but, he has chosen not to appear before this Court.

3. Ms. Kshirsagar, learned counsel appearing for the applicant submitted that marriage between the parties took place on 04.05.2018, but, due to ill-

treatment by the respondent and his mother, the applicant was driven out of the matrimonial house on 28.12.2020.

4. It is further pointed out that the application for restitution of conjugal rights has been filed by the applicant at Amravati. There is also a case instituted under the provisions of the Protection of Women from Domestic Violence Act, 2005, in District-Amravati and that complaint under Section 498-A of the IPC is also pending before the Court of Judicial Magistrate First Class, Morshi, Dist. Amravati. It is submitted that the respondent will be attending these proceedings in District-Amravati.

5. It is further submitted that the applicant is residing with her parents at Morshi, District-Amravati and that the three years old minor daughter is also in her custody. On this basis, it is submitted that travelling from Morshi, District-Amravati to Nagpur to attend the proceedings in the Family Court at Nagpur will cause grave inconvenience to the applicant and the minor daughter.

6. This Court has considered the material on record. Considering the fact that proceedings are already pending at Amravati, where the respondent

will have to appear and contest, it would be in the interest of justice that the petition for divorce filed by the respondent in the Family Court at Nagpur is transferred to the Family Court at Amravati.

7. In view of the above, the application is allowed. The proceedings initiated by the respondent i.e. Hindu Marriage Petition No. A/108/2021, pending before the Family Court at Nagpur is transferred to Family Court at Amravati.

8. The Family Court, Nagpur is directed to transfer the record of the said petition to the Family Court at Amravati, at the earliest.

JUDGE

Prity

PRITY S
GABHANE

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