

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

MISC. CIVIL APPLICATION NO. 388 OF 2021

Humera Nigar Shoeb Sheikh ..VS.. Shoeb Sheikh Ashpak Sheikh

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

Court's or Judge's orders

Mr. S.D. Chopde, Advocate for applicant.
Ms. M.A Sharma, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Mr. S.D. Chopde, learned counsel for the applicant and Ms. M.A. Sharma, learned counsel for non-applicant.

2. The application seeks transfer of Regular Civil Suit No.133 of 2021 seeking a declaration of dissolution of marriage by Talaknama, pending on the file of Civil Judge, Senior Division, Aurangabad, instituted by the husband, to the learned Civil Judge, Senior Division, Wardha. The applicant/wife is residing at Ashti near Wardha and the proceedings instituted by her under the Protection of Women from Domestic Violence Act, 2005 are pending at Ashti, in which the non-applicant/husband is already appearing. The distance is about 500 kms.

3. Though the application vehemently opposed by Ms. Sharma, learned counsel for the non-applicant, 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 and *Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar, 2009 (1) Mh.L.J. 303*, Regular Civil Suit No.133 of 2021 pending on the file of learned Civil Judge, Senior Division, Aurangabad, is hereby transferred to the learned Civil Judge, Senior Division, Wardha.

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

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

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

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

JUDGE

Kirtak