

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

MISC. CIVIL APPLICATION (TR) NO.227 OF 2022

Swati w/o Ulhas Kalal
Vs.
Ulhas s/o Shirish Kalal

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

Court's or Judge's orders

Mr. S. G. Malode, Advocate for applicant
Mr. Rohit P. Masurkar, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/09/2022

1. The application seeks transfer of Marriage Petition No.139 of 2022 pending before the learned Civil Judge Senior Division, Pune to the learned Family Court No.3, Nagpur, on the ground that applicant/wife resides at Nagpur and so also proceedings under Section 125 of Cr.PC has been instituted by the applicant/wife at Nagpur, in which, non-applicant/husband is already appearing. Considering what has been held in *D. Raja Rajeshwari Vs. R. Satish Kumar 2022 (2) SCC 329* and *Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar 2009 (1) Mh. L.J. 303*, the Marriage Petition No.139 of 2022 pending on the file of learned Civil Judge Senior Division, Pune is hereby transferred to the learned Family Court No.3, Nagpur.

2. The parties through counsel shall appear before the learned Family Court No.3, Nagpur on 3.10.2022 and place a copy of this order before the learned Court to apprise it of the same.

3. The parties through counsel shall appear before the learned Civil Judge Senior Division, Pune and place a copy of this order before the learned Court to apprise it of the same, so as to enable it to transmit the record to the Family Court No.3, Nagpur.

4. It is made clear that the proceedings under Section 125 of Cr. PC, as well as the one transferred by this order shall be kept on the same day so as to avoid any inconvenience to the non-applicant.

5. In case, it is permissible, the learned Family Court No.3, Nagpur, shall consider the request of the non-applicant to appear through Video conference if such facilities are available.

6. The application is accordingly allowed, in the above terms. No costs.

JUDGE

Sarkate