

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

MISC. CIVIL APPLICATION NO. 283 OF 2021

Sau. Manisha W/o Nitin Kurhekar ..VS.. Shri Nitin S/o Nanaji Kurhekar

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

Court's or Judge's orders

Mrs. Sonali Saware Gadhave, Advocate(appointed) for the
applicant.

Mr. P.K. Raulkar, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Mrs. Sonali Saware Gadhave, learned
counsel for the applicant and Mr. P.K. Raulkar, learned
counsel for the respondent.

2. The application seeks transfer of Hindu
Marriage Petition No. 255 of 2017 pending on the file of
Civil Judge, Senior Division, Hinganghat, instituted by
the husband, to the learned Civil Judge, Senior Division,
Chandrapur, where the applicant/wife is residing and the
proceedings instituted by her under the Protection of
Women from Domestic Violence Act, 2005 are pending,
in which the non-applicant/husband is already
appearing.

3. 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, Hindu Marriage
Petition No. 255 of 2017, pending on the file of learned

Civil Judge, Senior Division, Hinganghat, is hereby transferred to the learned Civil Judge, Senior Division, Chandrapur.

4. The parties through their counsel shall appear before the learned Civil Judge, Senior Division, Chandrapur, on 07.10.2022 and place a copy of this order before the learned Civil Judge, Senior Division, Chandrapur, 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, Hinganghat, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Civil Judge, Senior Division, Chandrapur.

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

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

9. Appropriate fees be paid to the learned counsel appointed for the applicant, as per the rules.

JUDGE

Kirtak