

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

MISC. CIVIL APPLICATION [TR] NO.239 OF 2022

[Sarita w/o Arvind Devada .vs. Arvind s/o Bhagwangiri Devada]

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

Court's or Judge's orders

Ms. Shivani Khandelwal, Advocate holding for Shri Sahil Dewani,
Advocate for the applicant.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 18/08/2022.

Present application is filed by the applicant requesting for transfer of Hindu Marriage Petition bearing No.91/2021 pending on the file of Civil Judge, Senior Division, Gadchiroli to the Family Court at Nagpur. The notices were issued on 28.04.2022. The sole respondent is served. In spite of service, the respondent chooses to remain absent.

2. Heard the learned counsel for the applicant.

3. The marriage between the applicant and the non-applicant was performed on 19.05.2005 and they are having two daughters out of the said wedlock. Presently they are residing at Nagpur. Since 2018 the daughters are residing at Nagpur, there were some attempts to settle the matter and

divorce by mutual consent. However, it could not be effected. Without going into the merits of the matter, for the reason that the applicant is not an educated lady nor having sufficient means to survive and the distance between Nagpur to Gadchiroli is around 170 km, I am inclined to allow application. Considering the inconvenience and hardship to the applicant which would cause in attending the matter at Gadchiroli, it would be appropriate to allow application. Though it is stated in the application that the daughters are residing with her, the learned counsel for the applicant seeks permission to drop that ground as the daughters are residing with the non-applicant at Gadchiroli and at the relevant time, they used to visit the applicant in summer vacation.

4. For the reasons stated above, the civil application is allowed. Hindu Marriage Petition No.91/2021 pending on the file of Civil Judge, Senior Division, Gadchiroli is hereby withdrawn and transferred to the Family Court at Nagpur. The Principal District Judge, Gadchiroli is hereby requested to facilitate the transfer. Application is disposed of.