

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

MISC. CIVIL APPLICATION (TR) NO.283 OF 2022

Durga Avinash Wagh
Vs.
Avinash Nimbaji Wagh

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

Court's or Judge's orders

Mr. P. U. Kavishwar, Advocate for applicant.

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

1. The application seeks transfer of Marriage Petition No.A/42 of 2021 pending before the Family Court, Jalgaon to the Family Court, Akola, on the ground that applicant/wife resides at Akola and so also appeal by the husband against the judgment passed in D.V. proceedings, is pending at Akola, in which non-applicant / husband is already appearing.

2. Though the non-applicant is served, none appears. 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.A/42 of 2021 pending on the file of learned Family Court, Jalgaon is hereby transferred to the learned Family Court, Akola.

3. The parties through counsel shall appear before the learned Family Court, Akola on 3.10.2022 and place a copy of this order before the learned Court to apprise it of the same.

4. The parties through counsel shall appear before the Family Court, Jalgaon 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 learned Family Court, Akola.

5. It is made clear that the appeal against the judgment in D.V. proceedings 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.

6. In case, it is permissible, the learned Family Court, Akola, shall consider the request of the non-applicant to appear through Video conferencing, if such facilities are available.

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

JUDGE

Sarkate