

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

MISC. CIVIL APPLICATION NO. 290 OF 2021

Mrs. Pinky W/O Sumeet Narsinghani

Vs.

Mr. Sumit s/o Jagdish Narsinghani

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.O. Shriwas, Advocate for applicant.
Mr. S.S. Dewani, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 27.04.2022.

By this application, the applicant (wife) is seeking transfer of the petition for restitution of conjugal rights filed by the respondent (husband) from the Family Court at Nashik to the Family Court at Nagpur.

2. The learned counsel for the applicant has invited attention of this Court to the contents of the application and the documents filed therewith to support the prayer made in the application.

3. The learned counsel for the respondent has opposed the prayer made in the present application.

4. The material on record indicates that the parties got married on 02.07.2018 and that in a few months time they separated from each other due to matrimonial discord. The material on record also shows that the applicant has initiated three proceedings at Nagpur i.e. an application under Section 125 of the Code of Criminal Procedure seeking maintenance, an application under the provisions of the Protection of Women from Domestic Violence Act, 2005 and a criminal proceeding pursuant to an F.I.R. registered at the behest of the applicant at Police Station Jaripatka, Nagpur. Admittedly, the respondent is facing these three proceedings at Nagpur.

5. Additionally, it is pointed out that when the mother-in-law of the applicant filed a proceeding against the applicant under the provisions of the Protection of Women from Domestic Violence Act, 2005, before the competent Court at Nashik, on a transfer application filed by the applicant before this Court, the same was allowed as per order dated 20.09.2021 passed in Criminal Application (APPLN) No.25/2021, allowing the application for transferring the proceedings to the competent Court at Nagpur.

6. In view of above, this Court is convinced that a case for transfer is made out, particularly when convenience of the wife is one of the major considerations in such matters.

7. Accordingly, the application is allowed.

8. The petition for restitution of conjugal rights bearing E-Petition No.A-63/2021, filed by the respondent is transferred from the Family Court at Nashik to the Family Court at Nagpur.

9. The Court at Nashik is directed to immediately transmit of the records to the Family Court at Nagpur.

10. The Family Court at Nagpur will make an endeavour to decide the proceedings as expeditiously as possible.

JUDGE

Prity

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GABHANE

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