

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

MISC. CIVIL APPLICATION NO. 326 OF 2021

Alpa W/o Jaiprakash Udaiyar ..VS.. Jayprakash S/o Sekar Udaiyar

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

Court's or Judge's orders

None for the petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

None appears for the applicant. None appears
for the non-applicant though served.

2. The application seeks transfer of
Petition No. A-52 of 2020 pending on the file of Family
Court, Bandra at Mumbai, instituted by the husband, to
the learned Family Court No.3 at Nagpur, where the
applicant/wife is residing and the proceedings instituted
by her under the 125 of the Code of Criminal Procedure,
1973, are pending, in which the non-applicant/husband
is already appearing. The distance is more than 800 kms.

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 and *Sangamitra
Ramakant Royalwar Vs. Ramakant Gangaram Royalwar,
2009 (1) Mh.L.J. 303*, Petition No. A-52 of 2020
pending on the file of learned Family Court, Bandra at
Mumbai, is hereby transferred to the learned Family
Court No.3, Nagpur.

4. The applicant through counsel shall appear

before the learned Family Court No.3, Nagpur, on 07.10.2022 and place a copy of this order before the learned Family Court No.3, Nagpur, to apprise the Court of this order.

5. The applicant through counsel shall place a copy of this order before the learned Family Court, Bandra at Mumbai, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Family Court No.3, Nagpur.

6. Both the matters shall be kept on the same date by the learned Family Court No.3, Nagpur, in order to avoid any inconvenience to the non-applicant/husband.

7. In case there are Video Conferencing facilities available with the Family Court No.3, Nagpur, 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 Family Court No.3, Nagpur shall be done through the Video Conferencing.

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