

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

MISC. CIVIL APPLICATION (TR.) NO. 333 OF 2021

Sau. Neha w/o Ishant Sahu vs. Mr. Ishant S/o Rajendra Sahu

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

Court's or Judge's Orders.

Mr. Rohan Dawad, Advocate for applicant.
Mr. S.Raisuddin M. Yejajul, Advocate for sole respondent.

CORAM : MANISH PITALE J.

DATE : 20/04/2022

By this application, the applicant (wife) is seeking transfer of petition for restitution of conjugal rights filed by the respondent (husband) from the Family Court No.2, Nagpur to the Court of Civil Judge Senior Division at Wardha.

2. The marriage between the parties took place on 12/12/2018. Due to matrimonial discord, the parties are living separately. It is stated that the father of the applicant died on 13/01/2019 and that her mother is aged 64 years, who is suffering from health problems. It is submitted that applicant has no independent source of income and she is living with her mother and brother at Wardha.

3. It is further pointed out that the applicant filed a proceeding under Section 125 of the Code of Criminal Procedure (Cr.P.C.) prior in point of time in the competent Court at Wardha and that the respondent is attending the said proceeding.

4. It is an admitted position that the petition for restitution for conjugal rights was filed after the applicant had already initiated proceedings for maintenance under Section 125 of the Cr.P.C. before the competent Court at Wardha.

5. In the facts and circumstances of the present case, this Court is of the opinion that considering the convenience of the applicant, as also the pendency of the aforesaid proceeding at Wardha, it would be appropriate that the petition filed by the respondent is transferred to the Court of Civil Judge Senior Division at Wardha.

6. Accordingly, the application is allowed. The petition for restitution of conjugal rights bearing H.M.P. No.A-450/2021 pending before the Family Court No.2 at Nagpur is transferred to the Court of Civil Judge Senior Division at Wardha.

7. The Family Court No.2, Nagpur is directed to immediately transmit the record to the Court of Civil Judge Senior Division at Wardha.

JUDGE