

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

MISC. CIVIL APPLICATION NO. 317 OF 2021

Pooja w/o Avinash Wankhade -- Applicant
Vs.
Avinash S/o Kisanrao Wankhade -- Respondent

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

Court's or Judge's orders

Mr. R.R. Vyas & Mr. Sumedh Kadam, Adv. for Applicant

CORAM : MANISH PITALE, J.

DATE : 13th APRIL, 2022

By this application, the applicant is seeking transfer of the petition filed by the respondent (husband) from the Family Court at Amravati to the Court of Civil Judge, Senior Division, Khamgaon, District Buldhana. Notice issued in this application is served, but, the non-applicant has chosen not to appear before this Court.

2. It is stated in the application that the applicant is now residing at Shegaon with her parents, which is about 17 Km from Khamgaon. It is submitted that there is minor child out of the wedlock, who is four years old and he is in the custody of the applicant at Shegaon. It is

further submitted that the applicant has no source of income and she is completely dependent on her parents. It is also brought to the notice of this Court that three proceedings are initiated by the applicant at Buldhana, pertaining to the relief of maintenance under Section 125 of the Code of Criminal Procedure as also the application under the provisions of the Protection of Woman from Domestic Violence Act, 2005 and criminal proceedings for the offences punishable under Sections 498-A, 504, 506 read with 34 of the Indian Penal Code.

3. In view of the above circumstances, it is clear that the applicant would find it difficult to effectively represent her cause in the divorce petition filed by the non-applicant at Amravati. Hence, grounds are out for transfer. Accordingly, the application is allowed.

4. Divorce petition bearing No.A-69/2021, pending before the Family Court at Amravati is transferred to the Court of Civil Judge, Senior Division, Khamgaon, District Buldhana.

5. The Family Court at Amravati is directed to immediately transmit the record of the said petition to the aforesaid Court at Khamgaon, District Buldhana.

6. The application is disposed of.

JUDGE