

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (MCA) NO. 337 OF 2021

Kiran @ Soni W/o. Ashish Khade

...**VERSUS**...

Ashish S/o. Ganesh Khade

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

Court's or Judge's order

Ms. Kirti Satpute, Advocate for applicant.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 23th JUNE, 2022.

Office Note dated 31/12/2021 shows that the respondent is duly served. In spite of service, he chose to remain absent.

2. The applicant's contention is that she was constrained to file HMP No. 287 of 2017 under Section 9 of the Hindu Marriage Act before the learned Civil Judge, Senior Division, Chandrapur. She has also filed Misc. Criminal Case No. 134 of 2017 before the Judicial Magistrate First Class, Chandrapur under Sections 12, 18, 19, 20, 22 & 23 of the Domestic Violence Act, 2015.

3. She further submits that the non-applicant has filed Criminal Appeal No. 22 of 2020 and the present applicant has filed cross-appeal in the said appeal against the order passed by the learned Judicial Magistrate First Class where the interim

maintenance was granted in favour of the applicant and her daughter.

4. She received notice from the learned Civil Judge, Senior Division, Kelapur, District Yavatmal in HMP No. 49/2021 which is filed by the non-applicant under Section 13 of the Hindu Marriage Act.

5. The applicant further submits that she and her daughter both are totally dependent for their livelihood upon the father of the applicant. The daughter is of 5 years old and unfortunately, she is suffering from epileptiform and at any time, she gets fit attack. As against this, the non-applicant is employed in WCL and is getting handsome salary of Rs. 40,000/- to 50,000/- monthly. It is difficult for the applicant to travel the distance more than 107 Kms. and being lady, it is very difficult and inconvenient to travel such distance without an escort.

6. Considering the hardship and inconvenience which would cause in attending the matrimonial proceedings at Kelapur, District Yavatmal, it would be appropriate to allow the said application to transfer the said proceedings to Chandrapur.

7. Her submission is not controverted as there is no appearance on behalf of the non-applicant. Hence, the application is allowed.

8. The Principal District Judge, Yavatmal is hereby directed to transfer the matrimonial proceedings pending on the file

of learned Civil Judge, Senior Division, Kelapur, District Yavatmal to the Civil Judge, Senior Division, Chandrapur.

9. The application is disposed of accordingly.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar