

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

MISC. CIVIL APPLICATION NO. 375 OF 2021

Sau. Swati W/o Praful Shirsat ..VS.. Praful S/o Viranand Shirsat

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

Court's or Judge's orders

Ms. Naina Dhoke, Advocate h/f Mr. M.V. Rai, Advocate for
applicant.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Ms. Naina Dhoke, learned counsel holding for Mr. M.V. Rai, learned counsel for the applicant. None for non-applicant though served.

2. The application seeks transfer of Petition No. A-289 of 2019 pending on the file of Family Court, Aurangabad, instituted by the husband, to the learned Family Court, Akola, where the applicant/wife is residing and the proceedings instituted by her under the Protection of Women from Domestic Violence Act, 2005 and the 125 of the Code of Criminal Procedure, 1973 are pending, in which the non-applicant/husband is already appearing. Approximately the distance is about 275 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-289 of 2019 pending on the file of learned Family Court, Aurangabad, is hereby transferred to the learned Family Court, Akola.

4. The applicant through counsel shall appear before the learned Family Court, Akola, on 07.10.2022 and place a copy of this order before the learned Family Court, Akola, to apprise the Court of this order.

5. The applicant through counsel shall place a copy of this order before the learned Family Court, Aurangabad, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Family Court, Akola.

6. Both the matters shall be kept on the same date by the learned Family Court, Akola, in order to avoid any inconvenience to the non-applicant/husband.

7. In case there are Video Conferencing facilities available with the Family Court, Akola, 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, Akola shall be done through the Video Conferencing.

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

9. Pending application/s, if any, shall stand disposed of accordingly.

JUDGE

Kirtak