

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

MISC. CIVIL APPLICATION (TRANSFER) NO.510/2021

Smt. Rohini @ Ashwini W/o Gajanan Khirale

...Versus...

Shri Gajanan Ajabrao Khirale

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

Court's or Judge's orders

Ms Sukshmalata Dhone, Advocate h/f Shri S.N. Bhattad, Advocate for applicant
Shri H.S. Chawhan, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/09/2022

1. The application seeks transfer of Hindu Marriage Petition No.220/2020 instituted by the respondent/husband in the Court before the Civil Judge Senior Division, Wardha to the Civil Judge Senior Division, Umred on the ground that the proceedings under the Domestic Violence Act instituted by the applicant/wife are pending there, wherein the respondent is already appearing. Though Shri Chawhan, learned counsel for the respondent vehemently opposes the application, however, considering what has been held in *D. Raja Rajeswari Vs. R. Sathish Kumar (2022) 2 SCC 329*, Hindu Marriage Petition No.220/2020 pending on the file of Civil Judge Senior Division, Wardha is hereby transferred to the Civil Judge Senior Division, Umred.

2. The parties shall appear before the Civil Judge Senior Division, Umred on 03/10/2022 through counsel and place a copy of this order before him to apprise him of the same. The parties shall also appear before the Civil Judge Senior Division, Wardha through counsel and place a copy of this order before the learned Court in order to apprise him of the same and so also to enable him to transfer the record to the Civil Judge Senior Division, Umred.
3. It is made clear that all proceedings instituted by the wife as well as the one hereby transferred shall be listed on the same date so as to avoid any inconvenience to the respondent/husband.
4. In case there is video conferencing facility available with the Civil Judge Senior Division, Umred any application filed by the respondent for appearing in the proceedings through video conferencing shall be taken into consideration unless the personal physical presence is desired by the Court.
5. The Misc. Civil Application is allowed accordingly. No order as to costs.

(AVINASH G. GHAROTE, J.)