

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

MISC. CIVIL APPLICATION (TRANSFER) NO.470/2021

Dipika w/o Jaywant Thave

...Versus...

Jaywant s/o Suresh Thave

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

Court's or Judge's orders

Shri A.V. Muley, Advocate for applicant
Shri P.J. Mehta, Advocate for non-applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/09/2022

1. Shri Muley, learned counsel for the applicant seeks to amend the prayer clause of the application seeking transfer of Hindu Marriage Petition No.160/2021 to the Civil Judge Senior Division, Saoner, District Nagpur, which is likely to start functioning from the next week.
2. Leave to amend the prayer clause is granted. The amendment be carried out forthwith.
3. The application seeks transfer of Hindu Marriage Petition No.160/2021 instituted by the husband in the Court of Civil Judge Senior Division, Khamgaon, District Buldhana to the Civil Judge Senior Division, Saoner, District Nagpur on the

ground that the proceedings under the Domestic Violence Act instituted by the applicant/wife are pending there, wherein the non-applicant is already appearing. Though Shri Mehta, learned counsel for the non-applicant 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.160/2021 pending on the file of Civil Judge Senior Division, Khamgaon, District Buldhana is hereby transferred to the Civil Judge Senior Division, Saoner, District Nagpur.

4. The parties shall appear before the Civil Judge Senior Division, Saoner, District Nagpur 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, Khamgaon, District Buldhana 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, Saoner, District Nagpur.

5. 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 non- applicant/husband.

6. In case there is video conferencing facility available with the Civil Judge Senior Division, Saoner, District Nagpur any application filed by the non-applicant for appearing in the proceedings through video conferencing shall be taken into consideration unless the personal physical presence is desired by the Court.

7. The Misc. Civil Application is allowed accordingly.
No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar