

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

MISC. CIVIL APPLICATION (TR) NO.508 OF 2021

[Mohini Vinod Wankhade .vs. Vinod Ashok Wankhade]

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

Court's or Judge's orders

Shri Dhiraj Ailani, Adv. h/f Shri U.J. Deshpande, Adv. for applicant.
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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 04/08/2022.

In spite of service to the non-applicant,
nobody is appearing in the matter.

2. Present application is filed by the applicant for transfer of HMP No.313/2019 filed by the non-applicant/husband in the Court of the Learned Civil Judge, Senior Division, Mehkar to the learned Family Court at Akola.

3. The contention of the applicant is that the applicant and non-applicant got married on 18.03.2019 at Akola. Out of the said wedlock they have also begotten a daughter on 1.1.2020. After marriage, the applicant went to reside at Deulgaon (Sakarsha), Tahsil-Mehkar, District-Buldhana. It is her contention that she was forcibly driven out of her matrimonial house on 20.06.2019. Since then she is residing at her parents house at Akola. She is having a child of two years. The

distance between Akola to Mehkar is about 102 km. Therefore, it would be inconvenient for her to attend the matter at Mehkar along with child of two years. Apart from this, there is maintenance proceeding pending before the learned Family Court at Akola which was filed earlier bearing HMP No.313/2019. In spite of opportunities, no reply is filed nor appearance is given by the non-applicant. There is nothing in rebuttal from the other side to the contentions raised by the applicant in the application.

4. Considering the inconvenience which was caused to the applicant, I am inclined to allow the application. Misc. Civil Application is allowed. HMP No.313/2019 filed by the non-applicant/husband under Section 9 of the Hindu Marriage Act, 1955 in the Court of learned Civil Judge, Senior Division, Mehkar is hereby withdrawn and transferred to the Family Court at Akola. Principal District Judge, Buldhana is requested to facilitate the transfer.

5. Misc. Civil Application is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]