

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

MISC. CIVIL APPLICATION NO. 400 OF 2021

Smt. Renuka w/o Amit Dhait and anr.

..VS..

Amit s/o Ashokrao Dhait

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

Court's or Judge's orders

Shri Haris Khan, Advocate for the applicant.
Shri O.A. Ghare, Advocate for non-applicant.

CORAM : MANISH PITALE, J.

DATED : 23/03/2022.

By this application, the applicants are seeking transfer of the petition filed by the respondent for Restitution of Conjugal Rights bearing H.M.P. No.63 of 2020 from the Court of Civil Judge, Senior Division, Hinganghat to the Family Court at Bhandara.

2. The marriage between the applicant no.1 and the respondent was solemnized on 14.11.2017. It appears that thereafter there was matrimonial discord between them, as a result of which the applicants are now residing at Bhandara with the parents of applicant no. 1. It is stated that the applicant no. 1 has no source of income and that the applicant no. 2 is the minor daughter.

3. Respondent no. 2 filed petition for Restitution of Conjugal Rights at the aforesaid Court in Hinganghat. According to the applicants, it is inconvenient for them to travel from Bhandara to Hinganghat to attend to the said proceedings. It would be in the interest of justice, that the same are transferred to the Court at Bhandara. It is also informed that a complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005, is

pending at Bhandara, which the respondent would have to face.

4. In view of the above, this Court is of the opinion that the applicants have made out grounds for transfer of the proceedings. Accordingly, the application is allowed.

5. H.M.P. No. 63 of 2020 (Amit vs. Renuka) is transferred from the Court of Civil Judge, Senior Division, Hinganghat to the Family Court at Bhandara.

6. The Court at Hinganghat is directed to immediately transfer the records to the Family Court at Bhandara.

7. It is directed that as far as possible, the dates in both the proceedings i.e. the application preferred by the respondent and the complaint filed by the applicant no.1, may be taken up on the same date, in the competent Courts at Bhandara.

JUDGE

Trupti