

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

MISC. CIVIL APPLICATION [TR] NO. 571 OF 2021

[Yogita Kiran Raut .vs. Kiran Umakant Raut]

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

Court's or Judge's orders

Ms. Mahrukh Z. Haq, Advocate h/f Shri Zeeshan Z. Haq, Advocate for the
applicant.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 25/08/2022.

Heard the learned counsel for the applicant.

2. In spite of service of this application to the respondent, he choose to remain absent.

3. It is submitted by the learned counsel for the applicant that the marriage between the applicant and the respondent was performed on 26.01.2015 at Khamgaon. The family of the respondent started harassing the applicant and blamed her for not being able to conceive a child. She driven out from her matrimonial house on 04.06.2020 and therefore she was constrained to reside at Khamgaon with her parents. She has lodged FIR against the respondent. She has also filed the proceeding under the Protection of Women from Domestic Violence Act, 2005 before

learned JMFC at Khamgaon. She received notice dated 9.8.2021 to remain present in the Court of 4th Joint Civil Judge, Senior Division, Nagpur on 9.9.2021. The proceeding filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 is required to be transferred to the learned Civil Judge, Senior Division, Khamgaon.

4. It is her contention that the distance between the Nagpur and Khamgaon is around 300 kms. She belongs to a poor family and has no source of income. She also submitted that her mother is suffering from cancer and the applicant has to take care of her mother. In view of pending proceeding at Khamgaon, the respondent is otherwise to attend the said proceeding. In view thereof, she prayed for transfer of the proceeding pending before the 4th Joint Civil Judge, Senior Division, Nagpur to the learned Civil Judge, Senior Division, Khamgaon.

5. Without going into the allegations made by the applicant, at present, I find that the applicant would definitely suffer hardship and inconvenience in attending the matter at Nagpur from Khamgaon. Considering the background of the family also, it would be appropriate to transfer the proceeding pending before the learned Civil Judge, Senior Division, Nagpur to the learned Civil Judge, Senior Division, Khamgaon. Accordingly, I proceed to pass the following order :

O R D E R

(i) Application is allowed.

(ii) The Hindu Marriage Petition No.219/2021 pending before the learned 4th Joint Civil Judge, Senior Division, Nagpur is hereby withdrawn and transferred to the learned Civil Judge, Senior Division, Khamgaon.

(iii) Learned Principal District Judge, Nagpur is hereby requested to facilitate the transfer.

MCA is allowed and disposed of.

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

Gulande