

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

MISC. CIVIL APPLICATION (TR.) NO. 405 OF 2020

Trupti Vikasa Narayan
Vs.
Vikas s/o Kalyanam Narayanan

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

Court's or Judge's Orders.

Mr. Dhruv Sharma, Advocate h/f Mr. P.S. Tidke, Advocate for
applicant.
Mr. R.S. Akbani, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 31.03.2022.

By this application, the applicant (wife) is seeking transfer of petition for restitution of conjugal rights filed by the respondent (husband) in the Family Court at Bandra (Mumbai) to the Family Court at Nagpur.

2. Learned counsel for the applicant has supported the prayer made in the application on the basis of the contents of the application. The learned counsel for the respondent has vehemently opposed the prayer.

3. The record shows that there is matrimonial discord between the parties. There is a daughter born from the said wedlock, who is now about 12 years old. There is no dispute about the fact that the daughter is living with the applicant at Nagpur. It is stated that the applicant is having no independent source of income and that she is living with her parents at Nagpur. This is disputed by the respondent and it is claimed that the applicant is employed.

4. It is admitted that there are already proceedings initiated by the applicant under the provisions of the Protection of Women from Domestic Violence Act, 2005, pending at Nagpur and that there is an appeal arising from the said proceedings which is also pending in the competent Court at Nagpur. The respondent is required to attend those proceedings at Nagpur and he is indeed attending to the aforesaid proceedings.

5. Considering the aforesaid facts, this Court is of the opinion that it would be in the interest of justice that the application is allowed. The respondent would be able to attend all the proceedings between the parties before the Competent Courts at Nagpur.

6. In view of the above, the application is allowed. The petition for restitution of conjugal rights bearing Petition No. A-1983/2020 pending before the Family Court, Bandra (Mumbai) is transferred to the Family Court at Nagpur.

7. The Family Court at Bandra (Mumbai) is directed to transfer the record to the Family Court at Nagpur at the earliest.

JUDGE

Prity

PRITY S
GABHANE

Digitally
signed by
PRITY S
GABHANE
Date:
2022.04.01
13:06:35
+0530