

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

MISC. CIVIL APPLICATION (TR) NO.119 OF 2021

Asma Parveen w/o Sheikh Anis

Vs.

Sheikh Anis Sheikh Rafique

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

Court's or Judge's orders

Mr. Kartik Rao, Advocate h/f Mr. R. D. Karode, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/09/2022

1. Though the non-applicant is served, none appears.

2. The application seeks transfer of Regular Civil Suit No.183 of 2020 filed by the non-applicant-husband seeking a declaration that the Nikah was null and void, which is pending before the Civil Judge Senior Division, Chandrapur, to the Court of Civil Judge Senior Division, Khamgaon, District Buldana, on the ground that the applicant is permanent resident of Bothakaji, Tah. Khamgaon and is unable to travel the long distance to Chandrapur for attending the matter.

3. Though the non-applicant is served, none appears. Considering the distance and the fact that D.V. proceedings instituted by the applicant are pending before the Court at Khamgaon, in which the non-applicant is already attending and in view of what has been held in *D. Raja Rajeshwari Vs. R. Satish Kumar 2022 (2) SCC 329*, Regular Civil Suit No. 183 of 2020 on

the file of Civil Judge Senior Division, Chandrapur, is hereby transferred to the file of Civil Judge Senior Division, Khamgaon.

4. The applicant through counsel shall appear before the Civil Judge Senior Division, Khamgaon on 26.9.2022 and place a copy of this order before the Court to apprise it of the same.

5. The applicant through counsel shall also appear before the Court of Civil Judge Senior Division, Chandrapur on 22.9.2022 and place the copy of this order before the learned Court to apprise it of the same so as to enable it to transmit the R & P to the Civil Judge Senior Division, Khamgaon.

6. The application is accordingly allowed. No costs.

JUDGE

Sarkate