

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

Misc. Civil Application No.608/2022

Nilesh V Sau. Aparna

Misc. Civil Application No.655/2022

Sau. Aparna V Nilesh

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

Court's or Judge's Orders

Mr. A.R. Wagh, Adv. for applicant.

Mr. Vivek Awchat, Adv for non-applicant. (MCA 608/22)

Mr. Vivek Awchat, Adv. for applicant. (MCA 655/22)

CORAM : AVINASH G GHAROTE, J.

DATE : 16-12-2022

Misc. Civil Application No.608/2022 seeks transfer of Petition A No.90/2022 filed by the wife at Family Court at Kolhapur to the Civil Judge Senior Division, Chandrapur, on the ground of inconvenience.

2. The reply of the respondent/husband in Misc. Civil Application No. 655/2022 is taken on record.

3. Misc. Civil Application No.655/2022 is by the applicant/wife for transfer of proceedings instituted under Section 9 of the Hindu Marriage Act, 1955, being Marriage Petition No.10/2022 by the non-applicant/husband at CJSD, Chandrapur to the Family Court at Kolhapur. In view of what has been held in **D. Raja Rajeswari Vs Satish Kumar (2022) 2 SCC 329** and **Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar (2009 (1)**

Mh.L.J.303), Misc. Civil Application No. 608/2022 is dismissed and Misc. Civil Application No. 655/2022 is allowed by directing transfer of Marriage Petition No.10/2022 from the Court of CJSD Chandrapur to the Family Court at Kolhapur.

4. It is made clear that all the matters which are instituted by the applicant against the non-applicant shall be listed on the same day in order to avoid any inconvenience to the non-applicant.

5. In case there is Video Conferencing facilities available with the Court at Kolhapur, any application filed by the non-applicant for appearing in the proceedings through video conferencing shall be taken into consideration, unless the personal physical presence is desired by the Court.

6. The applicant shall place a copy of this order before the C.J.S.D., Chandrapur on 05-01-2023 to apprise him of the same and enable him to transfer the record to the Family Court at Kolhapur.

7. The parties shall put an appearance before the Family Court at Kolhapur on 12-01-2023. Application is allowed in the above terms. No costs.

JUDGE