

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

MISC. CIVIL APPLICATION NO. 574 OF 2021

Sau. Chhavi @ Sonali w/o Mohan @ Rahul Sangat

Vs.

Mohan @ Rahul Gopal Sangat

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

Court's or Judge's Orders.

Mr. A.D.Bhate, Advocate for applicant.

Mr. G.N.Shinde, Advocate for non-applicant.

CORAM : ABHAY AHUJA, J.

DATE : 14.10.2022.

This is an application seeking transfer of Hindu Marriage Petition No.146/2021, filed by the non-applicant/husband, from the Court of Civil Judge Senior Division, Mangrulpir, to the Court at Khamgaon.

2. Mr. Bhate, learned counsel for the applicant submits that earlier on 16.12.2019, the applicant-wife has already filed an application under Section 125 of the Code of Criminal Procedure for maintenance and application dated 17.12.2019 under the Domestic Violence Act. Learned counsel further submits that the applicant is not earning and has no resource to defray the expenses for frequently

travelling between Khamgaon and Mangrulpir. He therefore, submits that the proceedings in Mangrulpir be transferred to the Civil Judge Senior Division at Khamgaon.

3. On the other hand Mr. Shinde, learned counsel submits that the non-applicant (husband) is an employee of Municipal Council at Mangrulpir and if the matter is transferred to Khamgaon, it would be difficult in view of his employment with the Municipal Council at Mangrulpir to take leave and travel for attending the proceedings at Khamgaon.

4. I am informed that the proceedings before the Mangrulpir Court, are at the stage of *exparte* orders. The distance between the Mangrulpir to Khamgaon is about 150 kilometers. As such, travelling distance would be inconvenient, considering the situation of the applicant.

5. Having heard learned counsel and having perused the application, in my view, this is a fit case to transfer the Hindu Marriage Petition No.146/2021, pending before the Civil Judge Senior Division, Mangrulpir to the Civil Judge Senior Division, Khamgaon.

6. In this view of the matter, the application is allowed as prayed for. Let the proceedings in the Mangrulpir Court be transferred to the Civil Judge Senior Division at Khamgaon.

7. Let the parties appear before the Civil Judge Senior Division, Khamgaon, on 17.11.2022.

8. It is made clear that, if there is any video conferencing facility available, and if the personal/physical presence of the parties is not necessary, then the proceedings be conducted through video conferencing.

9. The application is allowed in the above terms. No costs.

JUDGE