

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

MCA NO. 578 OF 2021

Mrs. Namrata W/o. Rohit Yadav

...VERSUS...

Mr. Rohit Sunderlal Yadav

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

Court's or Judge's order

Shri. Rushikesh R. Mahajan, Advocate h/f. Shri Rohit Joshi, Advocate for applicant.

Shri Sandeep M. Bahirwar, Advocate for respondent.

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

DATE : 27th JUNE, 2022.

The present application is filed for transfer of Marriage Petition No. A-465 of 2021 from the file of Family Court, Aurangabad to the file of learned Civil Judge, Senior Division, Chandrapur.

2. The present application is filed by the applicant who has already initiated proceedings i.e. Misc. Cri. Application No. 45/2021 under Section 12 r/w. Sections 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005, which is pending before learned Judicial Magistrate, First Class, Chandrapur.

3. The applicant submits that she is residing with her mother and a brother at Chandrapur. She is not having any independent source of income as well as there is nobody to escort her to travel from Chandrapur to Aurangabad.

4. The present application has been opposed by the respondent on the ground that there is nothing to substantial contention in the application.

5. I have gone through the application supported by an affidavit. It appears that the proceedings under under Section 12 r/w. Sections 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005 was filed in the month of March, 2021 whereas the proceeding i.e. Marriage Petition No. A-465 of 2021 was filed on 25/08/2021. In view of the inconvenience and hardship would cause to the applicant, the application is allowed.

6. As the marriage was performed at Chandrapur, the Civil Judge, Senior Division, Chandrapur has jurisdiction to adjudicate and decide the proceedings filed by the respondent before learned Family Court at Aurangabad.

7. The learned Principal Judge of Family Court, Aurangabad is hereby directed to transfer the matrimonial proceedings i.e. Petition No. A-465/2021 pending on the file of Family Court, Aurangabad to the file of Civil Judge, Senior Division, Chandrapur.

8. The application is disposed of accordingly.

(Smt. M.S. Jawalkar, J.)