

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

MISC. CIVIL APPLICATION NO. 629 OF 2022

Uzmanaaz Syed Ahtesham__ Vs. __ Syed Ahtesham Syed Ismail

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

Court's or Judge's orders

Mr. S.M.Khan, Advocate for applicant

Mr. K.J.Tople, Advocate for Non-applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 25/11/2022

1] The application seeks transfer of Petition No.A-151/2020 instituted by the husband in the Court of learned Judge, Family Court, Nanded, to the learned Judge, Family Court, Yavatmal, on the ground that the proceedings under Section 125 of Code of Criminal Procedure instituted by the applicant/wife are pending in the Family Court, Yavatmal.

2] Though Mr. Tople, learned counsel for the respondent opposes relying upon **Supriya vrs. Kamlesh 2018 (3) All MR 195**, in the instant case the facts do not depict that the transfer is sought on account of lack of funds for travelling, rather in view of what has been held in *D. Raja Rajeswari Vs. R. Satish Kumar (2022) 2 SCC 329*, and *Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar, 2009 (1) Mh.L.J. 303*, Petition No. A-151/2020 pending on the file of learned Judge, Family Court, Nanded is hereby transferred to Family Court, Yavatmal.

3] The parties shall appear before the Family Court Yavatmal on 02/12/2022 through counsel and place a copy of this order before him to apprise him of the same. The parties shall also appear before the Family Court, Nanded, through counsel and place a copy of this order before the learned Court in order to apprise him of the same and so also to enable him to transfer the record to the Family Court, Yavatmal.

4] It is made clear that all proceedings instituted by the wife as well as the one hereby transferred shall be listed on the same date so as to avoid any inconvenience to the respondent/husband.

5] In case there is video conferencing facility available with the Family Court, Yavatmal, any application filed by the respondent 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 Misc. Civil Application is allowed accordingly. No order as to costs.

JUDGE

Rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 28.11.2022 17:21