

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

MISC. CIVIL APPLICATION NO. 663 OF 2021

Sneha S. Kherde

-- Applicant

Vs.

Shyam V. Kherde

-- Non-applicant

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

Court's or Judge's orders

Mrs. N.A. Biala, Advocate for Applicant

CORAM : MANISH PITALE, J.

DATE : 21st APRIL, 2022

By this application, the applicant (wife) is seeking transfer of petition for divorce filed by non-applicant (husband) at Amravati to Chandrapur. The non-applicant was served in this application, but, he has chosen not to appear before this Court.

2. The application and the material placed on record shows that the parties were married on 05/03/2013 and there is a six years old daughter from the marriage. The minor daughter is living with the applicant, who is constrained to live with her widowed mother at

Chandrapur, due to matrimonial discord between the parties.

3. The material on record shows that on 28/06/2021, the applicant filed proceedings before the competent Court at Chandrapur under the provision of the Protection of Women from Domestic Violence Act, 2005. Thereafter, on 07/07/2021, the non-applicant filed the aforesaid petition for dissolution of marriage before the Court at Amravati.

4. It is submitted on behalf of the applicant that she is unemployed and she does not have any source of income and she is living with her mother at Chandrapur. The minor daughter, aged about six years is also in her custody and that in such circumstances, it is extremely difficult for her to effectively represent her cause in the petition for dissolution of marriage filed by her husband at Amravati.

5. Considering the aforesaid material placed on record, which has remained uncontroverted, it is found that a case for transfer is made out.

6. Accordingly, the application is allowed. Special Marriage Petition No.001/2021 (Shyam V. Kherde Vs.

Sneha S. Kherde), filed by the non-applicant before the 3rd District and Sessions Court, Amravati is transferred to the District Court at Chandrapur to be allotted to the competent Court in the district of Chandrapur.

7. The concerned Court at Amravati is directed to immediately transmit the record of the said petition to the Court at Chandrapur.

JUDGE