

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

MISC. CIVIL APPLICATION (TR.) NO. 164 OF 2022

Sakshi Atul Gubre

...**VERSUS**...

Atul Prabhakar Gubre

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

Court's or Judge's order

Shri Dhiraj Ailani, Advocate h/f. Shri U.J.Deshpande, Advocate for applicant.

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

DATE : 28th JULY, 2022.

In spite of service, nobody is present for the non-applicant and has not filed any reply.

2. The present application is filed for transfer of petition bearing PA No. 337/2020 pending before the learned Family Court-4, Nagpur to the learned Court of Civil Judge, Senior Division, Akola.

3. The applicant is legally wedded wife of the non-applicant and their marriage was performed on 14/06/2019. After marriage, the applicant started residing with the non-applicant at Nagpur. It is the contention of the applicant that due to harassment and cruelty, she was suffering with mental agony. She was driven out of her matrimonial home on 10/01/2020 and since then, she is living with her parents at Murtizapur.

4. As the applicant has no source of income, she has filed an application for maintenance under Section 125 of the Code of Criminal Procedure vide MCA No. 372/2020 on 17/10/2020 before the Court of Judicial Magistrate, First Class, Murtizapur. So also on 17/10/2020, she has filed an application under Sections 12, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act vide MCA No. 409/2020. Both these cases are pending at Murtizapur, in which the non-applicant has been served and he is contesting these proceedings. In addition to these proceedings, a police complaint has been lodged by the applicant against the non-applicant and her in-laws for the offences punishable under Sections 498-A, 294, 504, 506 r/w. Section 34 of Indian Penal Code at Murtizapur Gramin Police Station. To give the counterblast to the aforesaid proceedings, the non-applicant has filed the divorce petition.

5. It is further contention of the applicant that the distance between Murtijapur to Nagpur is around 206 Km. Her parents are at age old and unable to accompany her to attend the proceedings at Nagpur each and every date. On the other hand, the non-applicant is regularly appearing in the aforesaid proceedings filed by the applicant at Murtizapur, Akola.

6. As such, she requests for transfer of petition bearing PA No. 337/2020 from the learned Family Court - 4, Nagpur to the learned Court of Civil Judge, Senior Division, Akola.

7. I have considered the grounds raised in the application. Admittedly, certain proceedings are filed by the applicant on

17/10/2020 and the non-applicant is contesting the same. In view thereof and in the interest of justice, it would be appropriate to transfer the petition bearing PA No. 337/2020 from the file of learned Family Court - 4, Nagpur to the learned Court of Civil Judge, Senior Division, Akola. Accordingly, I pass the following order:-

ORDER

- 1.** The application is allowed.
- 2.** The pending petition bearing PA No. 337/2020 filed by the non-applicant is hereby transferred from the file of learned Family Court – 4, Nagpur to the learned Court of Civil Judge, Senior Division, Akola.
- 3.** The learned Principal Judge of Family Court at Nagpur to facilitate the transfer of above case.
- 4.** Parties to appear before the learned Court of Civil Judge, Senior Division, Akola on 22/8/2022.

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

B.T.Khapekar