

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

MISC. CIVIL APPLICATION NO. 01 OF 2022

Sapna w/o Yogesh Dakhre

-- Applicant

Vs.

Yogesh S/o Mangal Dakhre

-- Respondent

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

Court's or Judge's orders

Ms. Winy Daigavane, Adv. h/f Mr. S.N. Singh, Advocate
for Applicant

CORAM : MANISH PITALE, J.

DATE : 28th APRIL, 2022

By this application, the applicant (wife) is seeking transfer of divorce petition filed by respondent (husband) from the Court of Joint Civil Judge, Senior Division, Kelapur, District Yavatmal to the Court of Civil Judge, Senior Division, Warora, District Chandrapur. Notice was issued in this application and upon service, the respondent put in appearance through counsel, but when the application is called out for hearing, while the learned counsel for the applicant is present in the Court, none has appeared on behalf of the respondent.

2. The learned counsel for the applicant has invited attention of this Court to the contents of the application and documents filed therewith. It is submitted that after the marriage between the parties due to matrimonial discord, the parties are living separately. The applicant is residing with her parents at Warora, District Chandrapur and since the minor child from the wedlock, who is about three years old is living with the applicant and she is dependent on her parents, it is difficult for the applicant to effectively represent her cause before the Court at Kelapur, District Yavatmal.

3. There is no reply filed on behalf of the respondent, despite time having been granted. The contentions raised on behalf of the applicant have remained uncontroverted.

4. The parties got married on 08/05/2017 and they have been living separately since July, 2021. It is also brought to the notice of this Court that a proceeding under the provisions of the Protection of Women from Domestic Violence Act, 2005, has been initiated by the applicant before the competent Court at Warora, District Chandrapur, which the respondent is attending.

5. It is also found that there is indeed a minor child from the marriage, who is in the custody of the applicant. The applicant has no independent source of income and she is dependent on her parents. In such cases, convenience of the wife is one of the major considerations while examining the prayer for transfer of proceedings. This Court is convinced that the applicant has made out a case for transfer. Accordingly, the application is allowed.

6. Divorce petition bearing H.M.P. No.84/2021, filed by the respondent and pending before the Civil Judge, Senior Division, Kelapur, District Yavatmal is transferred to the Court of Civil Judge, Senior Division, Warora, District Chandrapur.

7. The concerned Court at Kelapur, District Yavatmal is directed to immediately transmit the record of the said petition to the Court of Civil Judge, Senior Division, Warora, District Chandrapur.

JUDGE