

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

MISC. CIVIL APPLICATION NO.09/2022

Mrs. Sabah Azm Nakhuda d/o Waseem Ahmed

Vs.

Mr. Azm Ashfaq Nakhuda

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

Court's or Judge's orders

Shri S.A. Mohta, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 14/07/2022

Heard learned Counsel for applicant.

2. Non-applicant is absent in spite of service.
3. It is submitted by learned Counsel for the applicant that the marriage of applicant and non-applicant was solemnized on 31/12/2019 at Akola. She suffered mental as well as physical cruelty. During the stay at matrimonial house after marriage, she was being tortured for demand of money. She was constrained to lodge complaint to Police Station against her husband and in-laws vide Crime No.44/2021 at Ramdaspath Police Station, Akola. She has also filed proceeding under Section 125 for grant of maintenance vide Petition No.06/2021 which is pending before the learned Family Court. She has also initiated Domestic Violence proceeding vide Criminal M.A. No.47/2021. The non-applicant to give a counterblast to the proceeding filed Petition No.105/2021 for restitution of conjugal rights before the Family Court, Pune.

4. In view of pending proceeding, it would be inconvenient to the applicant to attend the Family Court at Pune. The non-applicant is otherwise also required to attend the Family Court, Akola in pending proceeding. In view of this facts, the application needs to be allowed. Accordingly I pass following order:

ORDER

- i) Application is allowed.
- ii) Marriage Petition No.105/2021 before the Family Court, Pune is hereby withdrawn and transferred to Family Court, Akola.
- iii) Learned Principal Judge, Family Court, Pune is requested to facilitate the transfer of above referred matter.

The application is disposed of accordingly.

JUDGE

R.S. Sahare