

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

MISC. CIVIL APPLICATION NO. 681 OF 2021

Sou. Rajni Samir Mohitewar ..VS.. Shri Chudamani @ Samir Vijay Mohitewar

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

Court's or Judge's orders

Ms. Kirti Satpute, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Ms. Kirti Satpute, learned counsel for the applicant. Mr. D.S. Joshi, learned counsel for the respondent is absent.

2. The application seeks transfer of Petition No. A-175 of 2020 pending on the file of Family Court, Amravati, instituted by the husband, to the learned Civil Judge, Senior Division, Chandrapur, where the applicant/wife is residing and the proceedings instituted by her under the Protection of Women from Domestic Violence Act, 2005 are pending, in which the non-applicant/husband is already appearing.

3. In view of what has been held in *D. Raja Rajeswari Vs. R. Satish Kumar, (2022) 2 SCC 329*, regarding the convenience of the wife, Petition No. A-175 of 2020 pending on the file of the learned Family Court, Amravati, is hereby transferred to the learned Civil Judge, Senior Division, Chandrapur.

4. The parties through their counsel shall appear before the learned Civil Judge, Senior Division,

Chandrapur, on 07.10.2022 and place a copy of this order before the learned Civil Judge, Senior Division, Chandrapur, to apprise the Court of this order.

5. The parties through their counsel shall place a copy of this order before the learned Family Court, Amravati, to apprise it of the present order and to enable it to transmit the record and proceedings to the learned Civil Judge, Senior Division, Chandrapur.

6. Both the matters shall be kept on the same date by the learned Civil Judge, Senior Division, Chandrapur, in order to avoid any inconvenience to the non-applicant/husband.

7. In case there are Video Conferencing facilities available with the Civil Judge, Senior Division, Chandrapur, the personal presence of the non-applicant/husband shall not be insisted upon and as far as possible, his appearance through Video Conferencing will be permitted. Even the recording of the evidence of the non-applicant/husband as well as the witnesses, if deemed appropriate by the Civil Judge, Senior Division, Chandrapur shall be done through the VC.

8. The application is **allowed** and disposed of. No costs.

JUDGE