

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

MISC. CIVIL APPLICATION (TR.) NO. 30 OF 2022

Sau Rajbala Dhirendrasingh Marmath vs. Dhirendrasingh Nayanpalsingh
Marmath

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Deepali V. Sapkal, Advocate for applicant.

CORAM : MANISH PITALE J.

DATE : 07/04/2022

In this application, notice was issued and in the order dated 28/03/2022, this Court took a note of the pursis filed on behalf of the applicant. Along with pursis, the applicant placed on record consignment tracking report issued by the Postal Department, which shows that the postal item was delivered on the address of the respondent on 05/02/2022. This Court also recorded in the said order that despite the aforesaid circumstances, the respondent had not appeared before this Court and that the application deserved to be adjourned to give one more chance to the respondent to appear before this Court. Even today, when the application is called out for hearing, none has appeared on behalf of the respondent.

2. The present applicant(wife) is seeking transfer of divorce petition filed by the respondent(husband) from the Court of Civil Judge Senior Division, Akola to the Family Court at Buldana. It is stated in the application that the marriage between the parties took place on 10/02/2008 at Buldana. There is matrimonial discord between the parties, as a consequence of which the applicant was forced to leave the matrimonial house, to come to Buldana to stay with her parents. During COVID-19, mother of the applicant passed away on 03/04/2021 and her father passed away in the year 2019 itself. It is stated that the applicant is now dependent on her brother, who himself is in the transport business and he has to travel long distances. The applicant is not educated beyond 12th Standard and she is finding it difficult to attend to the proceedings in the Court at Akola.

3. Considering the aforesaid circumstances, this Court is of the opinion that the applicant has made out a case for transfer of the divorce petition from the Court of Civil Judge Senior Division, Akola to the Family Court at Buldana.

4. Accordingly, the application is allowed. The divorce petition filed by the respondent, bearing

Hindu Marriage Petition No.194 of 2021 pending before the Court of Civil Judge Senior Division, Akola is transferred to the Family Court at Buldana.

5. The Civil Judge, Senior Division, Akola is directed to immediately transfer the record to the Family Court at Buldana.

JUDGE