

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

MISC. CIVIL APPLICATION NO.06/2022

Sau Komal Roshan Dalvi

Vs.

Roshan Madhav Dalvi

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 in spite of service did not appear in order to controvert the submissions made in the application.

3. The present application is filed for transfer Hindu Marriage Petition No.A/211/2019 pending on the file of Family Court-2, Nagpur to Family Court Akola. It is submitted by the learned Counsel for applicant that applicant is legally wedded wife of non-applicant and marriage was solemnized on 23/04/2016 at Nagpur. During her stay at matrimonial house, the applicant was carrying pregnancy and she has begotten the female child. She was ill-treated and dispute was going on between the parties.

4. At present it is sufficient to transfer the matter as she is a housewife and having child of five years. The applicant also filed Misc. Criminal

Application No.213/2019 under the provisions of Protection of Women from Domestic Violence Act, 2005 which is pending before the learned Judicial Magistrate First Class. There was a prayer for grant of maintenance in the said application and interim relief was granted. To give a counterblast to the proceeding, non-applicant filed Hindu Marriage Petition No.A/211/2019 before the learned Family Court Nagpur. Considering the hardship and inconvenience which may be caused to the applicant to attend the marriage petition at Nagpur, it would be appropriate to transfer the Hindu Marriage Petition from Family Court Nagpur to Family Court Akola. Accordingly I pass following order:

ORDER

- i) Application is allowed.
- ii) Hindu Marriage Petition No.A/211/2019 (Roshan Dalvi Vs. Sau. Komal Dalvi) is hereby withdrawn and transferred to Family Court, Akola.
- iii) Learned Principal Judge, Family Court, Nagpur is requested to facilitate the transfer.

The application is disposed of accordingly.

JUDGE

R.S. Sahare