

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

MISC. CIVIL APPLICATION (TR) NO. 1160 OF 2019

Sau. Rohini w/o Amit Mishra and anr.

Vs.

Shri Amit s/o Prakash Mishra

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

Court's or Judge's Orders.

Mr. J.S. Chilotra, Advocate for appellants.

Ms. Mohini A. Sharma, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 25.03.2022.

By this application, the applicant is seeking transfer of divorce petition filed by the respondent (husband) from the Competent Court at Pune to the Court of Civil Judge Senior Division, Khamgaon, District – Buldhana,.

2. Heard learned counsel for the rival parties.

3. There is no dispute about the fact that the distance between Pune and Buldhana is considerable, particularly, when the applicant herein has the custody of minor child from the wedlock. It is also relevant that there are at least six proceedings between the parties pending at various stages in the Courts in District Buldhana. These proceedings

include maintenance proceedings and proceedings under the Protection of Women from Domestic Violence Act, 2005, initiated by the applicant herself.

4. The respondent – husband is facing these proceedings in District – Buldhana and only one proceeding i.e. divorce petition initiated by the respondent is pending before the Competent Court at Pune. Considering the fact that the applicant is a lady who does not have any independent source of income as she is living with her parents and she has to take care of a minor child, it is evident that in the absence of transfer of the proceedings as sought in the present application, the applicant will not be able to effectively defend the proceedings in the Court at Pune.

5. Despite the fact that the learned counsel appearing for the respondent has opposed the prayer made in the present application, this Court is of the opinion that sufficient grounds are made out for transfer of proceedings.

6. Accordingly, the present application is allowed. The Marriage Petition No.759/2019 filed by the respondent and pending before the Court of 10th Joint Civil Judge Senior Division and Chief Judicial

Magistrate, Pune is transferred to the Court of Civil Judge Senior Division, Khamgaon, District – Buldhana. The Court at Pune is directed to transfer the record immediately to the aforesaid Court at Khamgaon, District – Buldhana.

JUDGE

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