

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

MISC. CIVIL APPLICATION NO. 1182 OF 2019

Sau. Kiran W/o Vishal Ambatkar ..VS.. Shri Vishal S/o Diliprao Ambatkar

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

Court's or Judge's orders

Mr. Uttam Chakarwarty, Advocate h/f Mr. S.S. Shingane, Advocate
for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th September, 2022

Heard Mr. Uttam Chakarwarty, learned counsel holding for Mr. S.S. Shingane, learned counsel for the applicant. None appears for respondent though served.

2. The application seeks transfer of Hindu Marriage Petition No. 234 of 2019 pending on the file of Civil Judge, Senior Division, Parbhani, instituted by the husband, to the learned Civil Judge, Senior Division, Amravati, where the applicant/wife is residing at Jarud, Tq. Warud, which is nearest to Amravati and the proceedings instituted by her under the Protection of Women from Domestic Violence Act, 2005 are pending, at Judicial Magistrate, First Class, Warud, 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, Hindu Marriage

Petition No. 234 of 2019, pending on the file of the learned Civil Judge, Senior Division, Parbhani, is hereby transferred to the learned Civil Judge, Senior Division, Amravati.

4. The applicant through counsel shall appear before the learned Civil Judge, Senior Division, Amravati, on 07.10.2022 and place a copy of this order before the learned Civil Judge, Senior Division, Amravati, to apprise the Court of this order.

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

6. Both the matters shall be kept on the same date by the learned Civil Judge, Senior Division, Amravati, 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, Amravati, 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, Amravati shall be done through the Video Conferencing.

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

JUDGE

Kirtak