

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

MISC. CIVIL APPLICATION NO. 1226/2019

Rajani Amol Gawai

Vs.

Amol Nagorao Gawai

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

Court's or Judge's orders

Shri S.B. Gandhe, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 11/08/2022

In spite of service to the respondent by way of paper publication he choose to remain absent. As per applicant she is a legally wedded wife of respondent and marriage was solemnized on 23/04/2017 at Amravati. After marriage, they started residing at village Virwada, Taluka – Murtizapur, District – Akola, thereafter at Dhanora that is the service place of respondent. Due to ill treatment and cruelty suffered by applicant, she lodged the complaint to Police Station, Gadge Nagar, Amravati. She was constrained to reside at her parent's house at Amravati. She initiated proceeding under Domestic Violence Act on 07/08/2018 before the Judicial Magistrate First Class, Amravati, vide No. P.W.D.VA. No.181/2018. After attending the matter at Amravati, the

respondent filed Hindu Marriage Petition No. 211/2019 under Section 9 of the Hindu Marriage Act at Amalner on 11/09/2019. The distance between Amravati to Amalner is near about 350 K.M. As applicant is having no source of income, it would be inconvenient for her to attend Court at Amalner. In my considered opinion, the applicant would face inconvenience and hardship to attend the Court at Amalner. Whereas, the respondent is required to attend the Court at Amravati i.e. proceeding under Domestic Violence Act. As such, I am inclined to allow the application. Accordingly, I proceed to pass the following order :

ORDER

- i) The application is allowed.
- ii) The Hindu Marriage Petition No. 211/2019, pending on the file of learned Civil Judge, Senior Division, Amalner, District – Jalgaon, is hereby withdrawn and transferred to Family Court at Amravati.
- iii) The Principal Judge, Family Court, Amravati is requested to facilitate the above transfer.

(SMT. M.S. JAWALKAR, J.)

Jayashree..