

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

MISC. CIVIL APPLICATION (TR.) NO. 37 OF 2020
Sau. Pooja Ashitosh Tile vs. Shri. Ashitosh Anilrao Tile

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

Court's or Judge's Orders.

Mr. Yash Bangale, Advocate h/f. Mr. A. S. Dhore,
Advocate for applicant.

CORAM : MANISH PITALE J.

DATE : 22/04/2022

By this application applicant (wife) is seeking transfer of petition for restitution of conjugal rights filed by the respondent (husband) from the Court of Civil Judge Senior Division, Kalyan to the Court of Civil Judge Senior Division, Amravati.

2. Notice was issued in this application and the respondent was served, but he has chosen not to appear before this Court.

3. In the application it is stated on behalf of the applicant that the marriage took place on 30/04/2018 at Amravati, but thereafter there was matrimonial discord between the parties and the applicant was constrained to leave the matrimonial

house to come to her parents at Amravati on 14/12/2018. It is also stated in the application that the applicant has filed an application under the provisions of the Protection of Women from Domestic Violence Act, 2005 in the year 2019, which is pending before the competent Court at Amravati. It appears that the respondent filed a petition for restitution of conjugal rights in the competent Court at Kalyan, also in the year 2019.

4. The material on record does indicate that if the proceeding is not transferred from Kalyan to Amravati, the applicant would not be able to represent her cause effectively. The contents of the application have gone uncontroverted. It is also found from the record that the aforesaid proceeding under the Protection of Women from Domestic Violence Act, 2005 is already pending at Amravati. In these circumstances, the applicant has made out a case for transfer of petition.

5. Accordingly, the application is allowed.

6. The petition for restitution of conjugal rights filed by the respondent bearing H.M.P No.436 of 2019 is transferred from the Court of Civil Judge

Senior Division, Kalyan to the Court of Civil Judge
Senior Division, Amravati.

7. Accordingly, the Court at Kalyan is
directed to immediately transmit the record to the
Court at Amravati.

JUDGE