

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

MISC. CIVIL APPLICATION NO. 95 OF 2023

Kanchan Sachin Jadhav,
age: 33 years, Occ: Household,
R/o C/o Rajendra Lokhande,
Dadasaheb Rupwate Housing
Society, Behind Railway Hospital,
Bhusawal, District Jalgaon.

Applicant

Versus

Sachin Kishor Jadhav,
age: 36 years, Occ: Service,
R/o Plot No.17, Ekta Colony,
Opp. Ramteke Nagar, Beside
Kalipeeth Mandir & Himalaya
Empire, Beltarodi Road,
Nagpur 440 0027.

Respondent

Mr. Swapnil S. Patil, advocate for the Applicant
None present for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th July, 2023.

PC :

1 The learned Counsel for the applicant submits that he has already intimated learned Counsel for the respondent-husband, who is from Nagpur. Further, under order dated 30th June, 2023, last chance was granted. Despite such intimation, the learned Counsel for the

respondent remained absent today. Last chance is already granted and, therefore, I have decided to hear the application in the absence of respondent or his learned Counsel.

2 Heard learned Counsel for the applicant.

3 The applicant-wife is seeking transfer of Marriage Petition No.A/1151 of 2022, pending in the Family Court No.3, Nagpur to the Court of Civil Judge, Junior Division, Bhusawal.

4 According to the applicant, she is not having any independent source of income. Moreover, she is looking after one year aged daughter without any financial assistance from the respondent. Further, she has also filed three proceedings at Bhusawal, namely, one private complaint; one proceeding under Section 125 of the Code of Criminal Procedure; and one proceeding under Section 9 of the Hindu Marriage Act. It is submitted that the respondent has already appeared in one of these proceedings.

5 Though the learned Counsel for the applicant submits that he received copy of reply from the learned Counsel for the respondent, but the same is not filed before this Court. As such, there is no oppose to this application. Further, since the respondent is already attending the dates in the proceedings filed by the applicant-wife at Bhusawal, following order is passed:

{i} Misc. Civil Application is allowed.

{ii} The Marriage Petition No.A/1151 of 2022 is hereby transferred from Family Court No.3, Nagpur to the Court of Civil Judge, Senior Division, Bhusawal, District Jalgaon, for disposal according to law.

{iii} The Respondent is directed to appear before the Court of Civil Judge, Senior Division, Bhusawal, District Jalgaon, on or before 1st August, 2023.

{iv} Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE