



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

MISC. CIVIL APPLICATION NO. 62/2023

Vaishnavi W/o Sandip Dhakate
Vs.
Sandip S/o Pandurang Dhakate

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

Court's or

Shri Sawan Alaspurkar, Advocate for applicant
Shri P.D. Lawankar, Advocate for non applicant

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

DATE : 25/09/2023

Heard both the parties at length.

2. The applicant is a legally wedded wife of respondent. There marriage was solemnized on 14/06/2022 at Amravati. After marriage applicant came to reside at respondent's house along with his family member at Chandrapur.

3. The distance between Chandrapur to Amravai, is around 240 km, and if she will require to attend the matter, she will require to travel around 480 kms.

4. It is her contention that she was treated with cruelty. Without any just cause she was outstayed and since then she is residing at her parents house at Amravati. She lodged a police complaint at Police Station Gadge Nagar, Amravati. She has also filed proceeding under Section 12 of Protection of Women from Domestic Violence Act, 2005, against non applicant as well as his family members.

5. On 16/09/2022, she has filed proceeding under Section 12 of the Protection of Women from Domestic Violence Act, before the learned Judicial Magistrate First Class, Amravati. Notices were issued in the said matter on 28/09/2022 and matter was posted for appearance on 04/11/2022. The respondent/non applicant thereafter, on 15/11/2022, filed proceeding under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights bearing H.M.P. No. 501/2022. Non applicant is serving with Berar Finance and getting monthly salary of Rs.50,000/-, and could not be any difficulty for him to attend the Court, at Amravati.

6. As against this, learned Counsel for respondent submitted that non applicant is having aged parents and nobody is there to look after them. Mother and father were not keeping good health.

7. As such, as the non applicant will otherwise also required to attend proceeding under PWDV Act at J.M.F.C., Amravati therefore there would be no inconvenience going to cause to the non applicant. Comparatively the applicant would suffer hardship as well as inconvenience if she would require to attend at Chandrapur from Amravati. Thus, in the interest of justice, I am of the confirmed opinion that applicant is entitled for relief claimed for. However, the respondent/non applicant is permitted to appear through Video Conferencing on the dates when matter is fixed for hearing or arguments unless Court requires his presence. Accordingly, I proceed to pass the following order:

ORDER

- i) Application is allowed.
- ii) Hindu Marriage Petition No. 501/2022, pending on

the file of 5th Joint Civil Judge Senior Division, Chandrapur, is hereby withdrawn and transferred to Family Court, Amravati.

iii) It is directed to learned Family Court Amravati to fix the matter under PWDV Act, as well as present matter on the same day as far as possible.

iv) The District Judge, Chandrapur, is hereby requested to facilitate the transfer.

v) Liberty is granted to appear through video conferencing to the non applicant.

Application stands disposed of.

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