

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

MISC. CIVIL APPLICATION (TR.) NO.260/2023

Sau. Nita Uddesh Shewale

Vs.

Uddesh Bhaurao Shewale

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

Court's or Judge's orders

Ms S.S. Dhone, Advocate for applicant

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

DATED : 17/07/2023

The application is filed by applicant/wife for transfer of H.M.P. No.240/2022 pending on the file of learned Civil Judge, Senior Division, Saoner to the Family Court, Nagpur. Though, notice of this application was duly served on respondent, he chooses to remain absent in the present litigation in spite of granting opportunity.

2. The learned Counsel for applicant submits that applicant is legally wedded wife of respondent and their marriage was performed before the Marriage Registrar at Nagpur under the provisions of Special Marriage Act, 1954. Thereafter, on 24/08/2020, marriage was solemnized in the presence of relatives and friends at Nagpur. Out of the said wedlock, the applicant is having child about 1 & 1/2 years and respondent tortured mentally for demand of dowry. She has constrained to leave matrimonial house and residing separately at parental house at Indora, Nagpur. She has filed proceedings under Section 125

of the Criminal Procedure Code bearing Petition No.E-554/2022 on 18/10/2022. Respondent is attending the said proceedings at Family Court, Nagpur.

3. As a counter blast, respondent also filed petition for divorce under Section 27 (1)(d) of Special Marriage Act, 1954 bearing H.M.P. No.240/2022 before the learned Civil Judge, Senior Division, Saoner, District Nagpur on 02/11/2022.

4. It is submitted by learned Counsel for applicant that she has having small child of 1 & 1/2 years, and suffering with gynaecological problem and she is having poor financial condition. Respondent is not paying any maintenance amount. As such, it would be inconvenient and she would suffer hardship to attend the proceedings at Saoner. Considering the hardship and inconvenient, which would cause to the applicant, I am satisfied that it would be appropriate to transfer the H.M.P. No.240/2022 pending on the file of learned Civil judge, Senior Division, Saoner to Family Court, Nagpur. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.240/2022 before the learned Civil Judge Senior Division, Saoner is hereby withdrawn and transferred to learned Family Court, Nagpur.
- iii) The learned Senior Most Administrative

Judge, Saoner is requested to facilitate the transfer.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare