



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

MISC. CIVIL APPLICATION (TR.) NO.283/2023

Sau. Trupti w/o Rakesh Raut

Vs.

Rakesh s/o Ravindra Raut

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

Court's or Judge's orders

Shri B.A. Bhendarkar, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 23/08/2023

The present application is filed by wife for transfer of pending proceedings at Family Court Amravati to Family Court Yavatmal. The applicant is legally wedded wife of respondent and marriage was solemnized on 07/12/2020. Due to some matrimonial disputes, both were separated and petitioner has filed petition on 28/07/2021 under Section 125 of the Code of Criminal Procedure for maintenance bearing Petition No.E 44/2021 pending before the Family Court Yavatmal. She has also filed proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 bearing Criminal Misc. Application No.75/2021 which is pending before the learned Judicial Magistrate at Yavatmal. Criminal proceeding bearing RCC No.430/2022 which is pending before the learned Judicial Magistrate No.6, Yavatmal. The respondent has filed HMP Petition A-246/2022 at Family Court Amravati.

2. The learned Counsel for applicant submitted

that it will be inconvenient for applicant to attend the Court at Amravati specifically when there are three matters pending in Yavatmal and respondent is required to attend the same. As such, no inconvenience is going to cause to the respondent if matter is transferred at Family Court Yavatmal.

3. In spite of service to respondent, he chooses to remain absent.

4. As such, considering the contentions of Counsel for applicant, in my considered opinion, it would be appropriate if matter which is pending at Family Court Amravati is transferred to the Family Court Yavatmal, to be tried by Family Court Yavatmal. Already proceedings are pending at Yavatmal, as such there is no impediment in transferring the matter. It would cause inconvenience and hardship to the applicant, if she is required to attend the matter at Family Court Amravati. Accordingly, I proceed to pass the following order:

O R D E R

- i) The application is allowed.
- ii) The proceeding i.e. H.M.P. No.A-246/2022, pending on the file of Family Court, Amravati is hereby withdrawn and transferred to learned Family Court, Yavatmal.
- iii) The learned Principal District Judge, Amravati is requested to facilitate the transfer.
- iv) The Principle Judge, Family Court, Yavatmal

is hereby requested to take up matter for mediation as there are no attempts made for mediation in the matter so far.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare