

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**MISC. CIVIL APPLICATION (TR.) NO. 301 OF 2023**

DIKSHA W/O. TUSHAR SAHARE

**...VERSUS...**

TUSHAR S/O. DASHRATH SAHARE

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

*Court's or Judge's order*

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Shri C.A. Anthony, Advocate for applicant.

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

**DATE : 08<sup>th</sup> JUNE, 2023**

Heard learned counsel for the applicant.

2. In spite of service, the respondent remains absent.

3. The present application is filed for transferring the Divorce Petition bearing H.M.P. No. 58/2022 (Tushar V/s. Diksha) pending on the file of learned Civil Judge, Senior Division, Gondia to Family Court, Nagpur.

4. It is contended that the marriage of applicant and the non-applicant was solemnized on 22/11/2019 at Bhandara. It is further contended that the applicant was suffering with mental and physical agony for demand of dowry. In the month of March, 2020, as there was threat to her and her unborn child, she reached at her parental house along with her unborn child. Thereafter, she filed Cri. M.A. No. 147/2020 (Diksha V/s. Tushar and ors.) under the Protection of Women from Domestic Violence Act before J.M.F.C.

and D.V. Court, Mouda. She then gave birth to a female child on 06/10/2020. Even after the birth of child, the respondent did not contact to the applicant nor come to visit her or the child to fulfil his obligations.

5. The respondent is already attending the DV proceedings at Nagpur. However, to give counter blast, the respondent filed H.M.P. No. 58/2022 before learned Civil Judge, Senior Division, Gondia for divorce.

6. It is contended by learned counsel for the applicant that the applicant is having two and half years old child and it is difficult for her to attend the proceedings at Gondia whereas the non-applicant is attending the proceedings under the DV Act at Nagpur.

7. Considering the hardship and inconvenience going to cause if the applicant is directed to attend the proceedings at Gondia, it would be appropriate to transfer the proceedings pending before learned Civil Judge, Senior Division, Gondia to the Family Court, Nagpur. Accordingly, I proceed to pass the following order:-

### **ORDER**

- (1) The application is allowed.
- (2) The Divorce Petition bearing H.M.P. No. 58/2022 (Tushar Vs. Diksha) pending on the file of learned Civil Judge, Senior Division, Gondia is hereby withdrawn and transferred to learned Principal Judge, Family Court, Nagpur.
- (3) Learned Principal District Judge, Gondia is hereby requested to facilitate the transfer.

- (4) The process of transfer to be completed as early as possible probably within one month.
- (5) The parties to appear before learned Principal Judge, Family Court, Nagpur on 10/07/2023.
- (6) No order as to costs.

**(Smt. M.S. Jawalkar, J.)**

B.T.Khapekar