

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

Misc. Civil Application (Tr) No.302/2023

(Sau. Monika w/o Hemant Panjwani Vs. Hemant s/o Ravindra Panjwani)

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

Court's or Judge's orders

Mr. Sawan Alaspurkar, Advocate for the applicant.
Mr. Vaibhav Nankani, Advocate for respondent.

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

DATED : 27-07-2023

1. Present application is filed for transfer of HMP No.274/2022 (Hemant s/o Ravindra Panjwani Vs. Monika w/o Hemant Panjwani) pending on the file of Civil Judge Senior Division, Khamgaon to the Family Court at Amravati. The applicant is legally wedded wife of the respondent. The marriage was performed on 15/02/2021. After marriage, the applicant resided together with family members of the respondent at Khamgaon. It is informed that she was harassed by the respondent and family members of the respondent. However, without going into merits of the matter, the fact needs to be considered that she was residing with her parents at Amravati and filed proceedings on 2.5.2022 before the learned Judicial Magistrate First Class, Amravati under under Section 12 of the Protection of Women from Domestic Violence Act, 2005, bearing Case No.PWDVA/134/2022. The respondent gave his appearance there on 6.1.2023 and filed his written

statement. It is submitted that he is participating in the proceedings by coming to Amravati. However, on 21.11.2022 he filed petition for divorce under Section 13(1) (IA) of the Hindu Marriage Act, 1955 for grant of divorce bearing HMP No.274/2022 before learned Joint Civil Judge Senior Division, Khamgaon. Distance between Amravati to Khamgaon is 150 kms and the applicant may require to travel 300 kms total to attend the dates at Khamgaon. It appears that the respondent is earlier attending the matter before the JMFC Court, Amravati in proceeding, under the Protection of Women From Domestic Violence Act, 2005. As such, no inconvenience will be caused, if the matter is transferred at one place i.e. Family Court at Amravati.

2. Learned counsel for the respondent vehemently opposed the application and submits that the respondent would pay the bus fare to the applicant for attending the dates before the Court. It is also submitted that the respondent is not having much income as he is working in the shop of his father. It is his further contention that there is disability, however, medical certificate is not annexed. I have seen certificate tendered before the Court in which it is specifically mentioned that it is temporary disability.

3. In view of the fact that he is already attending the matter at Amravati, there is no impediment in attending divorce proceedings at Amravati. Accordingly, I

pass the following order:

Order

- (i) Application is allowed.
- (ii) HMP Petition No.274/2022 pending on the file of Joint Civil Judge Senior Division, Khamgaon District Buldhana is hereby withdrawn and transferred to Family Court at Amravati. The Principal District Judge, Buldhana is requested to facilitate the transfer.
- (iii) Learned Family court at Amravati is hereby requested to take up the matter for mediation to explore the possibility of settlement.
- (iv) Learned counsel for the respondent is at liberty to move an application for grant of permission to attend the proceedings through Video Conferencing whenever it is permitted by the Family Court, Amravati.

Application stands disposed of.

JUDGE

ambulkar