

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

MISC. CIVIL APPLICATION (TR.) NO.303/2023

Esha w/o Abhijit Vyas

Vs.

Abhijit S/o Hiralal Vyas

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

Court's or Judge's orders

Ms R.S. Sirpurkar, Advocate for applicant

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

DATED : 05/06/2023

Heard learned Counsel for applicant. Inspite of service to non-applicant, he chooses to remain absent.

2. The present application is filed by applicant who is legally wedded wife of respondent. The marriage between the applicant and respondent was solemnized on 22/11/2011 as per Hindu rites and customs and they blessed with son by name "Dev". However, as there was difference between the parties and constant harassment at the hands of respondent, the applicant was forced to leave her matrimonial house and constrained to file Hindu Marriage Petition under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act. The said application is filed by applicant on 20/09/2022. After filing of petition, respondent also filed Petition under section 9 of Hindu Marriage Act, 1955 for Restitution of Conjugal Rights before learned Civil Judge Senior Division, Jaysingpur.

3. It is submitted by learned Counsel for applicant that distance between Nagpur and Jaysingpur is around 800 km. It is difficult for applicant to attend the proceedings at Jaysingpur. On the contrary, respondent is already attending Marriage Petition at Nagpur. In view thereof, request is made to transfer the said proceedings from Civil Judge Senior Division, Jaysingpur to Principal Judge, Family Court Nagpur.

4. Considering the distance between Nagpur and Jaysingpur which is around 800 km., applicant would suffer hardship and inconvenient to attend the proceeding at Jaysingpur, whereas non-applicant is attending matter at Nagpur.

5. Taking into consideration the grounds for transfer of the proceedings, I am satisfied that prayer made by the applicant needs to be granted. Accordingly, I proceed to pass the following order:

O R D E R

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.A-239/2022 before the learned Civil Judge Senior Division, Jaysingpur is hereby withdrawn and transferred to learned Principal Judge, Family Court, Nagpur.
- iii) The learned Principal District Judge, Kolhapur

is requested to facilitate the transfer.

The application stands disposed of
accordingly.

JUDGE

R.S. Sahare