

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

MISC. CIVIL APPLICATION (TR.) NO. 315 OF 2023

PRIYANKA W/O. NILESH NIMBALKAR

...VERSUS...

NILESH S/O. ASHOK NIMBALKAR

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

Court's or Judge's order

Shri V.D.Ruprelia, Advocate h/f. B.K.Suchak, Advocate for applicant.

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

DATE : 01st AUGUST, 2023

Heard learned counsel for the applicant.

2. The present application is filed by the applicant - wife for transfer of proceedings i.e. Marriage Petition bearing HMP No. 5/2023 pending on the file of learned Civil Judge, Senior Division, Bhusawal to learned Civil Judge, Senior Division, Akola.

3. It is submitted by learned counsel for the applicant that the marriage of applicant with the respondent was performed on 24/12/2020 at village Vivra, Taluka Patur, District Akola. Out of said wedlock, they were blessed with a daughter on 10/06/2022. After marriage, some dispute arose between the parties and the applicant is residing at her parental house.

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

5. Without going into the merits of the matter, it can be seen from the averments in the application that the applicant is having one

year old child, which is breast feeding baby girl. The distance between Akola and Bhusawal is about 160 km. So, the applicant would require to travel 320 Km. to attend the dates at Bhusawal. As such, I am satisfied that the proceedings is required to be transfered at Akola. The marriage was performed at village Vivra, Taluka Patur, District Akola. So the learned Civil Judge, Senior Division, Akola is having jurisdiction. If the said transfer is not granted, it would cause inconvenience and hardship to the applicant. Hence, in the interest of justice, I proceed to pass the following order:-

ORDER

- I) The application is allowed.
- II) The proceedings i.e. Hindu Marriage Petition No. 5/2023 pending on the file of learned Civil Judge, Senior Division, Bhusawal is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Akola.
- III) The Principal District Judge, Bhusawal is hereby requested to facilitate the said transfer.
- IV) Accordingly, the application is disposed of.

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

B.T.Khapekar