

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

MISC. CIVIL APPLICATION (TR.) NO. 329 OF 2023

SAU. VARSHA W/O. PRASHANT BHONDE

...**VERSUS**...

PRASHANT S/O. MADHUKAR BHONDE

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

Court's or Judge's order

Ms. Namrata I. Ghode, Advocate for applicant.

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

DATE : 11th JULY, 2023

Heard.

2. The present application is filed for transfer of Divorce Petition bearing H.M.P. No. 486/2022 filed by non-applicant and pending on the file of learned 4th Jt. Civil Judge, Senior Division, Nagpur to learned Family Court, Yavatmal.

3. In spite of service, the non-applicant remains absent.

4. It is contended by the applicant that after marriage, due to harassment and dispute, she was constrained to reside in her parental house at Yavatmal. Her parents are old aged persons and cannot accompany her to reach at Nagpur from Yavatmal. Apart from this, she has filed proceedings for maintenance bearing Petition No. E-22/2023 before Family Court, Yavatmal under Section 125 of the Code of Criminal Procedure so also proceedings bearing P.W.D.V.A. No. 15/2023 before learned Judicial Magistrate, First Class, Yavatmal under Section 12 of Protection of Women from

Domestic Violence Act, 2005. The non-applicant is already attending these two proceedings, therefore, it would not be inconvenient for him to attend the proceedings at Family Court, Yavatmal if the matter is transferred from 4th C.J.S.D., Nagpur.

5. I am satisfied that there would be inconvenience and hardship to the applicant to travel to Nagpur from Yavatmal and attend the proceedings especially when there is nobody to accompany her. Moreover, the distance between Yavatmal to Nagpur is 150 km. The non-applicant is already attending the proceedings at Yavatmal. As such, no inconvenience is going to cause to the non-applicant. Hence, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) The Divorce Petition bearing HMP No. 486/2022 filed by the non-applicant and pending on the file of learned 4th Jt. Civil Judge, Senior Division, Nagpur is hereby withdrawn and transferred to learned Family Court at Yavatmal.
- 3) Learned Principal District Judge and Sessions Judge, Nagpur is hereby requested to facilitate the transfer.
- 4) The application stands disposed of accordingly.

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

B.T.Khapekar