

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

MISC. CIVIL APPLICATION (TR.) NO. 243 OF 2022

SAU. RUCHIKA W/O. ASHWIN SHAMBHARKAR @ RUCHIKA D/O. ANIL NAGRARE

...VERSUS...

SHRI ASHWIN NARESH SHAMBHARKAR

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

Court's or Judge's order

Shri B.H. Tekam, Advocate for applicant.

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

DATE : 15th JUNE, 2023

Heard learned counsel for the applicant.

2. The present application is filed by the applicant for transfer of proceedings bearing Hindu Marriage Petition (HMP) No. 659/2021 pending on the file of learned Joint Civil Judge, Senior Division, Panvel, District Raigad to Family Court, Nagpur.

3. It is contended that the applicant is legally wedded wife of the non-applicant and their marriage was performed on 18/12/2020 at Nagpur. That on 05/06/2021, the applicant was come to be deserted and expelled by the non-applicant from her matrimonial home. Therefore, the applicant was constrained to reside at Nagpur with her parents. She received the legal notice dated 13/10/2021 by the non-applicant for seeking divorce. As the applicant was willing to reside with the husband, she filed Petition No. 141/2022 before Family Court, Nagpur on 11/01/2022 under Section 9 of the Hindu Marriage Act for restitution of Conjugal Rights.

4. The applicant received the notice dated 09/02/2022 in respect of H.M.P. No. 659/2021 filed by the non-applicant at Panvel. By that time, her petition was already filed at Nagpur. It is submitted that the distance between Nagpur and Panvel is more than 800 k.m. and just to harass the applicant, the proceedings was filed by the non-applicant before learned Jt. C.J.S.D., Panvel. She further submits that it is inconvenient to her to reach at Panvel and to attend the proceedings. It is further submitted that the non-applicant is financially well settled and can afford to attend the Court at Nagpur.

5. In spite of service and granting opportunity, the non-applicant/respondent is not present.

6. I am satisfied with the reason that the distance between Nagpur and Panvel is more than 800 k.m. and other proceedings is already pending before Family Court, Nagpur. As such, it would be appropriate to transfer the proceedings pending on the file of learned Jt. Civil Judge, Senior Division, Panvel, District Raigad to Family Court, Nagpur. Accordingly, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) HMP No. 659/2021 pending on the file of learned Jt. Civil Judge, Senior Division, Panvel, District Raigad is hereby withdrawn and transferred to learned Family Court, Nagpur.

- 3) Learned District Judge at Panvel is hereby requested to facilitate the transfer.
- 4) No order as to costs.

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

B.T.Khapekar