

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

MISC. CIVIL APPLICATION (TR) NO.413 OF 2023

[Pranali w/o Prajakt Warale ..V/s.. Prajakt Prakash Warale]

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

Court's or Judge's order

Mr A. S. Dhore, Advocate for Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 4th MAY, 2023.

. Present application is for seeking transfer of the matrimonial proceedings bearing No.25 of 2023 pending on the file of Family Court, Pune to the Family Court at Buldhana.

2. As per the contention of the applicant, she is the legally wedded wife of the non-applicant and her marriage was solemnized on 19.12.2020 at Buldhana. After marriage, though she resumed cohabitation, however, she was not treated well and she constrained to leave the matrimonial house. She has lodged the report against the non-applicant regarding which, the criminal case is pending in the Court of Judicial Magistrate First Class, Buldhana. She had also filed proceedings for the monetary reliefs under provisions of Protection of Women from Domestic Violence Act, 2005. Now, the non-applicant - husband has preferred the petition for divorce, which is pending before the Family Court at Pune. The distance between Buldhana to Pune is more than 400 Kms. Applicant – wife who is the young lady has no source of income and unable to bear the cost of litigation, as she has no source of income. The non-applicant has not made any provision either for her maintenance or for her livelihood. Moreover, there is nobody to escort her to attend the proceedings

at Pune Court.

3. Notice of the said application though served on the non-applicant, he failed to appear and preferred not to contest the application.

4. Heard learned Advocate Mr Dhore for the applicant – wife. He reiterated the contentions and submitted that though applicant has filed the proceedings for the monetary relief, no relief is granted to her. She has no source of income, and therefore, she is unable to bear the cost of litigation. Moreover, the proceedings which is filed by her is pending in the Court of Judicial Magistrate First Class, Buldhana, wherein the non-applicant has put his appearance and attending the proceedings. Thus, no prejudice will be caused to the non-applicant, if the matrimonial proceedings pending before the Family Court, Pune is transferred to the Family Court at Buldhana.

5. Perused the application which is supported by the relevant documents i.e. FIR lodged by the applicant at Buldhana City Police Station and the copy of the application filed by applicant wife under the Domestic Violence Act. Admittedly, she has not received any maintenance or the non-applicant has not made any provision for her livelihood. She is residing at the mercy of her parents. The distance between two cities is more than 400 Kms. In view of that it is difficult for the applicant to attend the proceedings all alone by traveling 400 Kms. On the contrary, the non-applicant has already put his appearance in the domestic violence case and attending the proceedings, so no prejudice will be caused to the non-applicant, if proceedings filed by non-

applicant husband is transferred from Family Court, Pune to the Family Court at Buldhana. Now, it is well settled that while considering the transfer application in case of matrimonial matters, the convenience of the applicant - wife is to be looked into. In view of the above, the application deserves to be allowed, and hence, I proceed to pass the following order :

ORDER

- i) The civil application is **allowed**.
 - ii) Marriage Peition No.25 of 2023 pending before the Family Court, Pune be transferred to the Family Court at Buldhana for adjudication.
 - iii) The Family Court, Pune shall send record and proceedings to the Family Court at Buldhana.
 - iv) The parties to appear before the Family Court at Buldhana on 07.06.2023.
6. The civil application is disposed of.

JUDGE