

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

MISC. CIVIL APPLICATION (TR.) NO.440/2023

Sunanda @ Chandrabhaga w/o Pravin Rewatkar
Vs.
Pravin s/o Santoshrao Rewatkar

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

Court's or Judge's orders

Shri A.V. Muley, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 05/06/2023

Heard learned Counsel for applicant. None for the respondent in spite of service.

2. The present application is filed by applicant for transfer of proceedings pending before the learned Joint Civil Judge Senior Division, Nagpur bearing Marriage Petition No.5/2023 to Family Court, Bhandara.

3. It is submitted that the applicant is having minor daughter and she is residing with her aged parents. It is difficult for her to attend the Court at Joint Civil Judge Senior Division, Nagpur. Moreover, she has already filed proceedings under the provisions of Protection of Women from Domestic Violence Act bearing No. PWDVA Appln. 2/2020. Whereas, respondent filed a petition for Restitution of Conjugal Rights recently bearing Marriage Petition No.5/2023. In spite of service, respondent did not file any reply to the application.

4. As such, I am satisfied that if petition pending before the Joint Civil Judge Senior Division, Nagpur is not transferred to the Family Court, Bhandara, applicant would suffer hardship as well as inconvenience. Learned Family Court, Bhandara is having jurisdiction to try the proceedings filed by respondent as marriage was solemnized at Bhandara. No prejudice would cause to non-applicant as he is already attending D.V. proceeding at Bhandara. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.5/2023 before the learned Joint Civil Judge Senior Division, Nagpur is hereby withdrawn and transferred to learned Family Court, Bhandara.
- iii) The learned Principal District Judge, Nagpur to facilitate the transfer.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare