



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

MISC. CIVIL APPLICATION (TR.) NO. 415 OF 2023

PRANITA W/O. NISHANT SHINDE

...VERSUS...

NISHANT CHANDRAKANT SHINDE

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

Court's or Judge's order

Shri K.J.Topale, Advocate for applicant.

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

DATE : 06th SEPTEMBER, 2023

Heard learned counsel for the applicant.

2. The present application is filed by the applicant - wife for transfer of proceedings bearing HMP No. 351/2022 pending before learned Civil Judge, Senior Division, Chandrapur to learned Civil Judge, Senior Division, Wardha.

3. In spite of service, the non-applicant chooses to remain absent.

4. It is the contention of the applicant that she is the legally wedded wife of the non-applicant. Their marriage was performed on 30/05/2019 at Tiwsa, District Amravati. After marriage, she went to cohabit with the non-applicant at Pendhari (Koke), Tah. Sindewahi, District Chandrapur. On 06/12/2021, they were blessed with a son namely 'Adhiraj' out of said wedlock who is residing with the applicant. Due to ill-treatment, she was constrained to leave her matrimonial house and come to reside at her parental house at village Kinhala, Tah. Ashti, District Wardha.

5. The non-applicant has filed a divorce petition bearing HMP No. 351/2022 before learned C.J.S.D., Chandrapur. The distance between Kinhala to Chandrapur is around 250 km. As such, the applicant would require to travel 500 k.m. to attend the dates at Chandrapur. Moreover, she is having one and half years' old child. As such, there would be inconvenience going to cause to the applicant if she would attend the dates at Chandrapur. It is also informed by learned counsel for the applicant that there is one proceedings bearing PWDVA Application No. 20/2022 filed by the applicant under the provisions of Protection of Women from Domestic Violence Act before learned Judicial Magistrate, First Class, Ashti, District Wardha. In view thereof, the non-applicant is otherwise also required to attend the matter at Ashti, District Wardha. As such, there would not be any difficulty to the non-applicant to attend the matter at Wardha. Hence, I am inclined to allow the application and proceed to pass the following order:-

ORDER

- I) The application is allowed.
- II) The proceedings bearing Hindu Marriage Petition No. 351/2022 pending on the file of learned Civil Judge, Senior Division, Chandarpur is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Wardha.
- III) The Principal District Judge, Chandarpur is hereby requested to facilitate the said transfer.
- IV) Accordingly, the application is disposed of.

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