



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

MISC. CIVIL APPLICATION (TR.) NO. 445 OF 2023

SHUBHANGI PRADIP INGALE

...**VERSUS**...

PRADIP SANTOSHRAO INGALE

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

Court's or Judge's order

Shri Yuvraj Dhande, Advocate for applicant.
Shri K.J.Topale, Advocate for non-applicant.

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

DATE : **06th SEPTEMBER, 2023**

Heard learned counsel for both the parties.

2. The present application is filed by the applicant - wife for transfer of proceedings bearing Hindu Marriage Petition No. 311/2022 filed by the non-applicant under Section 13(1)(1-a)(1-b) of Hindu Marriage Act for divorce pending on the file of learned Civil Judge, Senior Division, Wardha to learned Judge, Family Court, Yavatmal.

3. It is contended that the applicant is legally wedded wife of the non-applicant and their marriage was performed on 15/02/2019 at Yavatmal. After marriage, the applicant went to reside at the house of non-applicant for cohabitation. Due to ill-treatment and mental and physical harassment, the applicant constrained to leave the house of her husband and came to reside with her parents.

4. It appears that the applicant has filed the proceedings bearing Petition No. E 21/2023 under Section 125 of Cr.P.C. for grant of maintenance before learned Family Court, Yavatmal whereas the non-applicant has filed petition bearing HMP No. 311/2022 for divorce before learned C.J.S.D., Wardha. It is submitted that the non-applicant is already attending the proceedings at Yavatmal. As such, there would not be any inconvenience going to cause to the non-applicant, if he be permitted to attend the matter at learned Family Court, Yavatmal.

5. The learned counsel for the non-applicant opposed the application, however, considering the facts that the distance between Yavatmal to Wardha is about 75 km. and the non-applicant is already attending the matter at Yavatmal, there is no any impediment if the matter is transferred from learned C.J.S.D., Wardha to learned Family Court, Yavatmal. As such, considering the hardship and inconvenience which would be caused to the applicant, if the proceedings is not transferred from Wardha to Yavatmal, it would be appropriate in the interest of justice to allow the application. Accordingly, I proceed to pass the following order:-

ORDER

- I) The application is allowed.
- II) The Hindu Marriage Petition No. 311/2022 filed by non-applicant under Section 13(1) (1-a) (1-b) of Hindu Marriage Act for divorce pending on the file of learned Civil Judge, Senior Division, Wardha is hereby withdrawn and transferred to learned Judge, Family Court, Yavatmal.

- III) The learned Principal District Judge, Wardha is hereby requested to facilitate the said transfer.
- IV) Accordingly, the application is disposed of.

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

B.T.Khapekar