



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

MISC. CIVIL APPLICATION (TR.) NO. 461 OF 2023

KAVITA SUNIL PATHAK

...VERSUS...

SUNIL MADHUKARRAO PATHAK

*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.

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 Petition No. A-210/2019 filed by non-applicant under Section 13 (i)(ia) & (b) of Hindu Marriage Act for divorce pending on the file of learned Family Court, Amravati to learned Family Court, Yavatmal.

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

4. There is already one application bearing Cri.M.A. No. 10/2022 filed by the applicant under Section 127 of Cr.P.C. pending before learned Judge, Family Court, Yavatmal. As such, there is no impediment to allow the present application and transfer the matter to learned Family Court, Yavatmal.

5. I have gone through the contents of the application and heard the contention of the learned counsel for the applicant. Perused the document and application. It appears that application bearing Cri.M.A. No. 10/2022 for enhancement of

maintenance filed by the applicant under Section 127 of Cr.P.C.Cri. is pending on the file of learned Family Court, Yavatmal. As such, there would not be any inconvenience going to cause to the non-applicant if the matter is transferred from learned Family Court, Amravati to learned Family Court, Yavatmal. Hence, I proceed to pass the following order:-

ORDER

- (1) The application is allowed.
- (2) The proceedings bearing Petition No. A-210/2019 filed by the non-applicant under Section 13(i)(ia) & (ib) of Hindu Marriage Act for divorce pending on the file of learned Family Court, Amravati is hereby withdrawn and transferred to learned Family Court, Yavatmal.
- (3) Learned Principal Judge, Family Court, Amravati is hereby requested to facilitate the said transfer.
- (4) Accordingly, the application stands disposed of.

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

B.T.Khapekar