



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

MISC. CIVIL APPLICATION (TR.) NO.591/2023

Sau. Ashwini w/o Ashish Varade
Vs.
Shri. Ashish Vasant Varade and anr.

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

Court's or Judge's orders

Shri K.S. Narwade, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 14/09/2023

The present application is filed by applicant for transfer of Hindu Marriage Petition No.A-428/2022 pending before the learned Family Court, Nashik to the Family Court at Yavatmal.

2. The applicant is legally wedded wife of respondent. Their marriage was solemnized on 26/02/2019 and they have one child aged about 3 years who is in custody of applicant. It is informed by learned Counsel for applicant that there are proceedings bearing No.E-67/2022 pending under the provisions of the Protection of Women from Domestic Violence Act, 2005. The applicant has further filed a petition vide Criminal Case No.108/2022 under the provisions of Section 125 of the Code of Criminal Procedure seeking maintenance for herself and for maintenance of the daughter. She also filed application bearing No.A-72/2022 for conjugal rights at District Court, Yavatmal.

4. In view of these pending proceedings, the petition filed by husband at the Family Court, Nashik needs to be transfer to the Family Court, Yavatmal.

5. The applicant is serving in Union Bank of India, Branch at Yavatmal. As such, it would be difficult for her to attend the matter at the Family Court, Nashik by travelling distance is more than 500 kms. that too with baby of three years.

6. In view thereof, it would be appropriate to transfer the marriage proceeding pending before the Family Court Nashik to the Family Court at Yavatmal. Hence I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.A-428/2022 at the Family Court Nashik is hereby withdrawn and transferred to Family Court at Yavatmal.
- iii) The learned Principal District Judge, Nashik is requested to facilitate the transfer.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare