

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

MISC. CIVIL APPLICATION (TR.) NO. 604 OF 2023

MRS. NEHA W/O. ASHISH BHARGADE

...VERSUS...

ASHISH S/O. BALKRUSHNA BHARGADE

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

Court's or Judge's order

Shri D.I.Jain, Advocate for applicant.

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

DATE : 03rd AUGUST, 2023

It appears that the non-applicant is served. However, to grant fair opportunity to the non-applicant, on 19/07/2023, the matter was adjourned to 03/08/2023. Even today, nobody is present for the non-applicant.

2. The present application is filed by the applicant - wife for transfer of proceedings bearing E-Petition No. A/90/2023 pending on the file of learned Principal Judge, Family Court, Akola to learned Civil Judge, Senior Division, Malkapur, District Buldhana.

3. It is submitted that the applicant is legally wedded wife of the non-applicant and their marriage was performed on 04/05/2018 at Malkapur, District Buldhana. After marriage, the applicant was constrained to leave her matrimonial house due to harassment by the non-applicant.

4. Without going into the merits of the matter, it is material to note that the applicant - wife has filed the application bearing P.W.D.V. Case No. 91/2021 on 16/12/2021 under the provisions of Protection of Women from Domestic Violence Act before learned J.M.F.C., Malkapur, District Buldhana so also the petition bearing H.M.P. Case No. 129/2022 on 25/07/2022 under Section 9 of Hindu Marriage Act for restitution of conjugal rights before learned C.J.S.D., Malkaur, District Buldhana.

5. As against this, the non-applicant has filed proceedings bearing E-Petition No. A/90/2023 on 15/03/2023 for divorce under Section 13(1)(i-a) of the Hindu Marriage Act before learned Principal Judge, Family Court, Akola. It is submitted by the applicant that she is residing at the mercy of her parents at Malkapur, District Buldhana along with her two years old daughter.

6. The learned counsel for the applicant submits that the distance between Malkapur and Akola is 120 km. Therefore, it is difficult for the applicant to travel 240 km. to attend the dates at Akola along with her two years old daughter. On the contrary, the non-applicant is already attending the proceedings at Malkapur, District Buldhana and it would not be difficult for him to attend the aforesaid proceedings at Malkapur, District Buldhana. As such, considering the hardship and inconvenience which is going to cause to the applicant if she attends the dates at Family Court, Akola, I am satisfied that the application needs to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- I) The application is allowed.
- II) The proceedings i.e. E-Petition No. A/90/2023 pending on the file of learned Principal Judge, Family Court, Akola is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Malkapur.
- III) The Principal Judge, Family Court, Akola is hereby requested to facilitate the said transfer.
- IV) Accordingly, the application is disposed of.

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

B.T.Khapekar