

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

MISC. CIVIL APPLICATION (TR.) NO. 628 OF 2023

SHITAL ANKIT GARSE

...**VERSUS**...

ANKIT CHANDRAMANI GARSE AND ANR.

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

Court's or Judge's order

Ms. Punam D. Pisurde, Advocate for applicant.

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

DATE : 10th AUGUST, 2023

The present application is filed by the applicant for transfer of Hindu Marriage Petition No. A-216/2022 pending before learned Family Court at Amravati to learned Civil Judge, Senior Division, Wardha.

2. It is submitted that the applicant is legally wedded wife of respondent no. 1. Their marriage was solemnized on 01/07/2018 at Wardha. Out of said wedlock, the applicant gave birth to one male child on 05/07/2019. The applicant was forced to stay separately on 24/05/2022 at the mercy of her parents at Wardha. She was ill-treated by her in-laws.

3. In spite of service, respondent no. 1 chooses to remain absent.

4. Without going into the merits of the application, it appears that the applicant has filed proceedings bearing MCA No. 51/2022 under Section 125 of Cr.P.C. on 31/05/2022 before learned 6th J.M.F.C. Wardha. She has also filed proceedings bearing PWDV

No. 63/2022 under the provisions of Protection of Women from Domestic Violence Act on the same date i.e. on 31/05/2022 before learned 2nd J.M.F.C. Wardha. The applicant received notice dated 18/07/2022 from learned Family Court, Amravati about proceedings of divorce filed by respondent no. 1.

5. It is the contention of the applicant that the distance between Wardha and Amravati is about 100 km. and she would require to travel 200 k.m. to attend the dates at Amravati along with her three years old son. So, it is difficult for her to attend the proceedings at Amravati. As against this, there would not be any difficulty to respondent no. 1 to attend the proceedings at Wardha as he is already attending the aforesaid proceedings filed by the applicant. Considering the inconvenience and hardship which is going to cause to the applicant, the applicant is entitled for the relief as prayed for. Accordingly, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) The Petition No. A-216/2022 (Ankit Chandramani Garase V/s. Shital Ankit Garase) pending on the file of learned Family Court, Amravati is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Wardha.
- 3) Learned Principal Judge, Family Court, Amravati is hereby requested to facilitate the said transfer.
- 4) Accordingly, the application stands disposed of.