



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

MISC. CIVIL APPLICATION NO.667/2023

Sau Isha w/o Rohit Palekar
Vs.
Rohit Mahadev Palekar

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

Court's or Judge's orders

Ms Kirti Satpute, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 25/09/2023

The present application is filed for transfer of Divorce Petition No.A-177/2020 from Family Court, Amravati to Family Court No.4, Nagpur.

2. In spite of service and in spite of granting fair opportunity, none for the non-applicant.

3. It is the contention of the applicant that she is legally wedded wife of non-applicant. The marriage was solemnized on 28/02/2016 and out of the said wedlock, they were blessed with one daughter namely Ku. Sambodhi, aged about 4 years. It is contended that she was treated properly for about 2-3 months. Thereafter, non-applicant started harassing applicant physically and mentally. As such, when she was at Nagpur to attend marriage of her cousin, legal notice was issued by the non-applicant and he refused to take back to the applicant. She was having no option but to file petition bearing No.E-184/2021 for

maintenance. The non-applicant filed divorce petition bearing No.A-177/2020 before the Family Court, Amravati. Though, applicant received the notice, she could not remain present and no W.S. order came to be passed.

4. It is submitted that she and her child is dependent on her aged mother who is doing labour work. The applicant is facing financial problem.

5. I am of the considered opinion that it would be inconvenient for her to attend marriage petition at Family Court, Amravati. As against this, there is no inconvenience going to cause to the non-applicant as he is not having any liability and he will otherwise also require to attend proceedings under Section 125 of the Code of Criminal Procedure, 1973 at Family Court Nagpur. As referred above, in spite of service, non-applicant failed to appear in the matter.

6. I am satisfied that if transfer of Divorce Petition is not allowed, the applicant may suffer inconvenience and hardship to travel with 4 years old daughter and old age mother. As such, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The Divorce Petition No.A-177/2020 pending on the file of learned Family Court, Amravati is hereby withdrawn and transferred to the learned Family

Court No.4, Nagpur.

iii) The learned Principal Judge, Amravati is hereby requested to facilitate the transfer.

The application stands disposed of.

JUDGE

R.S. Sahare