



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

MISC. CIVIL APPLICATION (TR.) NO. 672/2023

Mrs. Ekta w/o Shrikant Sirsiya
Vs.
Shrikant s/o Sunil Sirsiya

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

Court's or Judge's orders

Shri D.I. Jain, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 04/12/2023

Inspite of service to the non-applicant and also inspite of granting opportunity, the non-applicant is absent.

2. Heard learned Counsel for applicant. The present application is filed by applicant for transfer of Hindu Marriage Petition No.59/2023 pending on the file of learned Civil Judge Senior Division, Manglurpir, District Washim to the learned Civil Judge, Senior Division, Malkapur.

3. The applicant is legally wedded wife of non-applicant. Their marriage came to be performed on 14/02/2021 at Malkapur, District Buldhana. It is her contention that due to constant threats by the non-applicant, she was compelled to

leave the matrimonial house. As such she was constrained to leave her matrimonial house and filed a proceeding seeking maintenance under the provisions of the Protection of Women from Domestic Violence Act. She was filed a proceeding on 16/03/2023 seeking Divorce Petition under the provisions of Section 13(1)(i-a)(i-b) of Hindu Marriage Act, 1955 which was pending before the learned Judicial Magistrate, First Class, Court No.1 at Malkapur, District Buldhana.

4. The non-applicant also filed a petition bearing H.M.P. No.59/2023 on 05/04/2023 for Restitution of Conjugal Right under Section 9 of the Hindu Marriage Act, 1956 before the learned Civil Judge, Senior Division, Manglurpir, District Washim.

5. The applicant is residing with her old parents and one year's old daughter at Malkapur, District Buldhana. The distance between Malkapur to Manglurpir is around 150 km. and there is no direct connectivity. In view of above, it appears that it is highly inconvenient for applicant to attend the proceedings pending at Civil Judge, Senior Division Manglurpir. Whereas, non-applicant is already attending the D.V.

proceedings filed against him at Malkapur. In view thereof, it would be appropriate to transfer the marriage proceeding pending before the Civil Judge, Senior Division Manglurpir to Civil Judge, Senior Division, Malkapur. Hence I proceed to pass the following order:

O R D E R

- i) The application is allowed.
- ii) The proceeding i.e. H.M. Petition No.59/2023 pending on the file of the learned Civil Judge Senior Division, Manglurpir, District Washim is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Malkapur.
- iii) The learned Principal Judge, Washim is requested to facilitate the transfer.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare