

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

MISC. CIVIL APPLICATION (TR) NO. 467/2022

Shwetambari Deepak Suryawanshi

Vs

Deepak Jagganath Suryawanshi

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr S.B.Gandhe, advocate for the applicant

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/05/2023.

1. The present application is seeking transfer of the matrimonial proceedings bearing HMP No.143/2022 pending in the Court of learned Joint Civil Judge, Senior Division, Jalgaon to the learned Civil Judge Senior Division, Amravati.

2. The application is filed on the ground that the marriage between the applicant/wife and the non-applicant/husband was solemnized on 24/04/2012. After marriage, there was some matrimonial dispute arose between them, and applicant/wife was constrained to leave matrimonial house. She had also lodged the report at Police Station Gadge Nagar, Amravati against the non-applicant.

3. Now, the non-applicant has preferred the petition before the learned Joint Civil Judge, Senior Division, Jalgaon bearing HMP No. 143/22 under the provision of the Hindu Marriage Act for Restoration of Conjugal Right.

The distance between the two cities is more than 200 Km. After the desertion, the non-applicant has not made any provision for her maintenance or for her livelihood.

4. Moreover, the place Jalgaon is inconvenient place for the applicant. The non-applicant is already attending the Criminal Proceedings at Amravati. Taking into consideration of all these aspects, the applicant is prayed that the Hindu Marriage Petition be transferred to the learned Civil Judge, Senior Division, Amravati.

5. Though the notice of the said application is served on the non-applicant/husband, he has chosen not to appear before the Court. This Court, on 20/04/2023, granted one more opportunity to him, however, he failed to appear the same. Today also, none appeared on behalf of the non-applicant/husband.

6. In view of the reasons mentioned in the application and considering the ground raised, the non-applicant has not made any provision for the applicant to attend the proceeding and to bear the cost of the litigation.

7. Moreover, the distance between two cities is more than 300 Km and there is nobody to escort her to attend the proceedings by travelling by 300 Km. On the other hand, the non-applicant has already attending the criminal proceeding at Amravati. So, no prejudice will be caused to the non-applicant to attend the proceedings at Amravati.

8. In view of the above, the application deserves to be allowed. Taking into consideration, the convenience of the applicant/wife is looked into. Hence, I pass the following order.

- a) The Misc. Civil Application is **allowed**.
- b) The Hindu Marriage Petition No. 143/2022 is pending on the file of the learned Joint Civil Judge, Senior Division Jalgaon be transferred to the learned Civil Judge, Senior Division, Amravati.
- c) The learned Joint Civil Judge, Senior Division, shall send the record and proceedings of HMP No. 143/2022 to the learned Civil Judge, Senior Division, Amravati for adjudication.
- d) The parties to appear before the learned Civil Judge, Senior Division, Amravati on 08/06/2023.

JUDGE