



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

MISC. CIVIL APPLICATION (TR.) NO.705/2023

Mrs. Kalyani w/o Pravin Khangon (Ms. Kalyani d/o Prafulsingh Chauhan)
Vs.

Shri Pravin s/o Sureshrao Khangon

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

Court's or Judge's orders

Shri S.A. Dutonde, Advocate for applicant
Shri G.N. Shinde, Advocate h/f Shri A.R. Pimple, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 30/11/2023

The present application is filed for transfer of the petition bearing Civil M.A. No.5/2023 for condonation of delay in filing setting aside exparte decree and petition filed by the non-applicant bearing No. A-47/2023 pending on the file of Family Court, Yavatmal to Family Court, Nagpur.

2. The applicant is legally wedded wife of respondent. Their marriage took place on 05/02/2016 at Nagpur. It is alleged that due to ill treatment on the part of non-applicant, she was constrained to reside separately at her parental house. She has also filed Criminal Misc. Application No.409/2019 before the learned Judicial Magistrate First Class, Kamptee, Nagpur.

3. The petition filed by the non-applicant

before the learned Family Court, Yavatmal bearing A-189/2020 under Section 9 of the Hindu Marriage Act, 1955 was proceeded ex parte and was allowed. The non-applicant has filed Hindu Marriage Petition No.A-47/2020 under Section 13 (1)(i-a) and (i-b) of the Hindu Marriage Act, 1955 for grant of decree of divorce against the applicant. The applicant herein filed application for setting aside ex parte decree along with application for condonation of delay. As such, applicant is praying for transfer of all these matters pending before the Family Court, Yavatmal.

4. It is submitted that distance between Nagpur to Yavatmal is around 200 km. The applicant is having liability of her daughter who is aged about 7 years. Moreover, the proceedings under P.W.D.V. Act are pending which was disposed of and appeal against that, is pending at District Court, Nagpur.

5. As such, considering all these reasons and inconvenience, it would be appropriate to transfer proceeding pending at Family Court, Yavatmal to Family Court, Nagpur.

6. The learned Counsel for respondent vehemently submitted that it would not possible

to attend each date. As such, he is permitted to appear through video conference except the dates on which his personal presence is required by the Court. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The pending proceeding i.e. Civil M.A. No.5/2023 along with application for setting aside exparte decree and the petition filed by the non-applicant bearing No.A-47/2023 are hereby withdrawn from the file of Family Court, Yavatmal and transferred to learned Family Court, Nagpur.
- iii) The learned Principal Judge, Family Court, Yavatmal is requested to facilitate the transfer.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare