

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

MISC. CIVIL APPLICATION NO.486 OF 2022

(Sau. Lata Manohar Kutemate Vs. Manohar Rangrao Kutemate)

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

Court's or Judge's Order

Shri N.R. Tekade, Advocate for the applicant.
Shri G.H. Barange, Advocate for the non-applicant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 02, 2023.

Heard.

2. By preferring this application, the applicant-wife is seeking transfer of matrimonial proceeding bearing No.822/2022 filed by the non-applicant in the Court of Civil Judge, Senior Division, Pune to the Family Court, Akola.

3. As per the contention of the applicant, her marriage with the non-applicant was solemnized on 18/05/2003. After marriage she resumed cohabitation however, she was not treated well. The applicant and the non-applicant are having two daughter from the said wedlock. It is further the contention of the applicant that as she was not treated well, she was constrained to leave matrimonial house and now she is residing at Akola.

4. The distance between Pune and Akola is more than 500 kilometers and requested for transfer of the matrimonial proceeding to the Family Court, Akola.

5. Said application is strongly opposed by the non-applicant on the ground that the applicant is residing

at Pune and she has also received the notice at Pune and submitted that this fact itself is sufficient to show that the applicant is not residing at Akola and thus, the application is filed only to harass the non-applicant.

6. Heard both the sides and perused the application.

7. The reply filed by the non-applicant is supported with the copy of the summons which shows that the applicant was served on the address mentioned in the divorce petition i.e. of Bhosari, Pune.

8. The contention of the applicant is that she is residing at Akola is falsified by this report. Thus, from the report it is crystal clear that she is not residing at Akola and she is residing at Pune. Hence the matrimonial proceeding is pending in the Court of Civil Judge, Senior Division, Pune. Thus, no grounds are made out to transfer the matrimonial proceeding at Akola.

9. In view of that the application is rejected.

(URMILA JOSHI-PHALKE, J.)

**Divya*