



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

MISC. CIVIL APPLICATION (TR.) NO. 701 OF 2023

APURVA AMOL SARNAIK

...VERSUS...

AMOL PRABHAKAR SARNAIK

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

Court's or Judge's order

Shri D.S.Patil, Advocate for applicant.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 06th SEPTEMBER, 2023

Heard learned counsel for the applicant.

2. The present application is filed by applicant-wife for transfer of proceedings bearing Petition No. A-1312/2022 filed by the respondent under Section 9 of the Hindu Marriage Act for restitution of conjugal rights pending on the file of learned Principal Judge, Family Court, Nagpur to learned Family Court, Akola.

3. In spite of service, the respondent chooses to remain absent.

4. It is the contention of the applicant that she is legally wedded wife of the respondent and their marriage was performed on 31/08/2020 at Akola. Thereafter, the applicant went to reside with her husband at Nagpur. Soon after the marriage, the respondent and his parents started to give ill-treatment to the applicant. Due to mental and physical harassment by the respondent and his family members, the applicant constrained to leave her matrimonial house and started to reside along with her parents at Akola. The applicant

has filed proceedings under Sections 12, 18, 19, 20 and 22 of the Domestic Violence Act before learned Chief Judicial Magistrate, Akola which is registered as RCC No. 2121/2022.

5. Without going into the merits of the matter, it would be appropriate to consider the facts that the distance between Akola to Nagpur is 250 km. means she would require to travel 500 km to attend the dates at Nagpur. It would be difficult for her to attend the proceedings at Nagpur specifically when she has already filed application under the Domestic Violence Act at J.M.F.C. at Akola, in which proceedings, the respondent is regularly attending and there would not be any inconvenience to the respondent to attend the matter at Akola.

6. In my considered opinion, it is correct that the applicant would require to travel 500 km. to attend the dates at Nagpur whereas the non-applicant is otherwise also require to attend the proceedings under D.V. Act at Akola. As such, there would not be any inconvenience going to cause to the respondent to attend the matter at Akola. Accordingly, I proceed to pass the following order:-

ORDER

(1) The application is allowed.

(2) The proceedings bearing Petition No. A-1312/2022 filed by the respondent under Section 9 of the Hindu Marriage Act pending on the file of learned Principal Judge, Family Court, Nagpur is hereby withdrawn and transferred to learned Family Court, Akola.

(3) Learned Principal Judge, Family Court, Nagpur is hereby requested to facilitate the said transfer.

(4) Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar