

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

MISC. CIVIL APPLICATION (TR.) NO. 527 OF 2022

NISHA W/O. PRADIP WADEPALLI

...**VERSUS**...

PRADIP S/O. DIGAMBARRAO WADEPALLI

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

Court's or Judge's order

Shri M.R. Joharapurkar, Advocate for applicant.

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

DATE : 21st JULY, 2023

The present application is filed by the applicant/wife for transfer of proceedings i.e. Hindu Marriage Petition No. A/1393/2022 pending on the file of learned Family Court No. 5, Pune to the Court of learned Civil Judge, Senior Division, Gondia.

2. In spite of service and appearance of Shri S.C. Bhosle, learned counsel for the non-applicant, no one is present today, when the matter was called out twice in the first half as well as second half.

3. It is submitted by the applicant that she is legally wedded wife of the non-applicant. Their marriage was solemnized on 30/11/2022 at Gondia. She is having 8 years old daughter from her earlier marriage who is living along with her. It is her contention that she was mentally and physically harassed by the non-applicant on account of demand of dowry. She was asked to leave the

matrimonial house, and presently, she is residing with her parents at Gondia. She has filed the proceedings i.e. Marriage Petition No. 118/2022 before learned C.J.S.D. Gondia seeking judicial separation and monetary relief from the non-applicant whereas the non-applicant has filed Petition under Section 13(A) of Hindu Marriage Act before learned Family Court, Pune seeking divorce.

4. It is further submitted that the distance between Gondia and Pune is about 850.6 km. and it takes about 17 hours by bus or train from Gondia to Pune. It will be difficult for her to attend the proceedings at Family Court, Pune having a child of 8 years. There is no male member to accompany her, except her father, who is also only earning member of the family.

5. I have heard learned counsel for the applicant. Considering the distance between Pune and Gondia, in my considered opinion, it would be inconvenient and hardship to the applicant to attend the proceedings at Pune, whereas one litigation is already pending at Gondia and the non-applicant is otherwise also required to attend the same. Therefore, the present application needs to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- (1) The application is allowed.
- (2) The proceedings i.e. Marriage Petition No. A/1393/2022 pending on the file of learned Family Court-5, Pune is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Gondia.

- (3) Learned Principal Judge, Family Court, Pune is hereby requested to facilitate the said transfer.
- (4) Accordingly, the application stands disposed of.

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

B.T.Khapekar