



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

MISC. CIVIL APPLICATION (TR.) NO.719/2023

Mrs. Nikita w/o Sachin Kshirsagar
Vs.
Sachin s/o Ashokrao Kshirsagar

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

Court's or Judge's orders

Shri Mahesh Rai, Advocate for applicant
Shri A.A. Zade, Advocate for non-applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 18/12/2023

The present application is filed by applicant for transfer of Hindu Marriage Petition No.A-169/2022 pending before the learned Family Court, Yavatmal to learned Civil Judge, Senior Division, Wardha.

2. The applicant is legally wedded wife of non-applicant. Their marriage came to be performed on 24/06/2020 at Wardha. Out of their wedlock, they have blessed with a daughter aged about 2 years and 3 months. It is contention of applicant that various false allegations were made against her. As such, she was constrained to leave her matrimonial house and started to reside with her parents house.

3. The non-applicant also filed petition for divorce under Section 13(1)(i-a, i-b) of the Hindu Marriage Act.

4. Be that as it may be, looking into the controversy, the facts appear to be that the distance between Dahegaon, Tah. Seloo, District Wardha to Yavatmal is around 75 km. The applicant has filed D.V. proceedings under Section 12 of Protection of Women from Domestic Violence Act, 2005 bearing Misc. Criminal D.V. Case No.49/2023. She has also filed application under Section 125 of Criminal Procedure Code bearing Misc. Criminal Case No.13/2023 before the learned Judicial Magistrate First Class, Wardha. As such, there is inconvenient and hardship would cause if applicant required to attend the proceeding at Yavatmal.

5. As against this, it is informed that the non-applicant is serving in CRPF and presently posted in Mandala in Madhya Pradesh. In view thereof, he is permitted to appear before the learned Civil Judge Senior Division Wardha through video conference. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceeding i.e. H.M. Petition No.A-169/2022 pending on the file of learned Family Court, Yavatmal is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Wardha.
- iii) The learned Principal Judge, Family Court, Yavatmal is requested to facilitate the transfer.
- iv) The non-applicant is permitted to appear through video conference except on the date when Court requires his personal attendance.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare