



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

MISC. CIVIL APPLICATION (TR.) NO. 727 OF 2023

ABHILASH S/O. SUDHAKAR MOON AND ANR.

...**VERSUS**...

SHWETA W/O. ABHILASH MOON

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

Court's or Judge's order

Dr. C.C.Anthony, Advocate for applicants.

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

DATE : 03rd NOVEMBER, 2023

In spite of service, none for the non-applicant.

2. The present application is filed by the applicants for transfer of proceedings under P.W.D.V. Act.

3. It is submitted that the applicant no. 1 is husband of the non-applicant wife. The marriage between them was performed on 30/11/2017. The non-applicant left the company of the applicant no. 1 on 31/10/2018 for no fault on the part of applicant no. 1 and thereby deserting him, she lodged a false complaint with the Police Station, Sadar. In view of the extreme relation between the applicant no. 1 and non-applicant, the applicant no. 1 instituted a Petition for Divorce bearing No. A-117/2019 before learned Judge, Family Court-4, Nagpur.

4. The non-applicant remained absent in proceedings of Divorce Petition. Thereafter, the non-applicant instituted a false case/ proceedings bearing M.C.A. No. 821/2020 under Section 12 of P.W.D.V. Act. The non-applicant has also filed petition for

Restitution of Conjugal Rights bearing Petition No. A-65/2020 which is also pending before learned Family Court No. 4, Nagpur. Further, the non-applicant also filed application under Section 24 for grant of maintenance pendente-lite before learned Judge, Family Court No. 4, Nagpur and also filed an application for grant of maintenance under Section 125 of Cr.P.C. bearing No. E-536/2021. All these proceedings are pending before learned Judge, Family Court No. 4, Nagpur. In view thereof, the learned counsel for the applicants seeks transfer of proceedings bearing MCA No. 821/2020 pending before learned 16th Jt.C.J.S.D., & A.C.J.M., Nagpur to learned Family Court No. 4, Nagpur.

5. In view of the pending proceedings before learned Judge, Family Court No. 4, Nagpur, it would be appropriate in the interest of justice and to record the common evidence, to transfer the proceedings pending on the file of learned 16th C.J.S.D. & ACJM, Nagpur to learned Family Court No. 4, Nagpur. Accordingly, I proceed to pass the following order:-

ORDER

- (1) The application is allowed.
- (2) The proceedings bearing MCA No. 821/2020 dated 24/02/2020 pending on the file of learned 16th Jt. C.J.S.D. and ACJM, Nagpur is hereby withdrawn and transferred to the learned Judge, Family Court No. 4, Nagpur.
- (3) The learned Principal District and Sessions Judge, Nagpur is hereby requested to facilitate the said transfer.

(4) After transfer of matter, the learned Judge, Family Court No. 4, Nagpur is hereby directed to record the common evidence in all the matrimonial proceedings pending before it.

(5) Accordingly, the application stands disposed of.

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

B.T.Khapekar