



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

MISC. CIVIL APPLICATION NO. 757/2023

Mrs. Madhuri W/o Pravin Mude
Vs.
Mr. Pravin @ Dumdev S/o Madhukarrao Mude

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

Court's or Judge's orders

Shri S.K. Phaltankar, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 16/10/2023

Heard learned Counsel for applicant.

2. In spite of service and in spite of granting opportunity, none for the respondent.

3. Present application is filed for transfer of H.M.P. No. 353/2021, pending on the file of Civil Judge Senior Division, Wardha to learned Family Court, Amravati. It is submitted by learned Counsel for the

applicant that applicant is legally wedded wife of non applicant. Their marriage has been performed on 11/05/2016 at Bodana, District Amravati. Out of the said wedlock they blessed with a daughter who was born on 12/07/2019. Now she is of 4 years old and she is residing with the applicant. It is contended that due to ill treatment, she constrained to reside with her parents. The applicant initiated proceeding under Domestic Violence Act bearing Misc. Criminal Application No. 206/2020, against the non applicant at learned J.M.F.C., Amravati. She has also filed application under Section 128 before J.M.F.C., Amravati. She was also constrained to lodge report under Section 498(A), read with Section 34 of the Indian Penal Code at Fejarpura Police Station, Amravati on 23/02/2023, vide First Information Report No. 158/2023. In the said matter, after enquiry, the charge sheet came to be filed vide R.C.C. No. 813/2013. Whereas, non applicant filed H.M.P. 353/2021 at C.J.S.D., Wardha, for divorce.

4. The distance between Amravati to Wardha is 121 k.m. As applicant is residing at Amravati, she required to go to Wardha and then to Amravati. Considering the submissions and considering the age of daughter, in my

considered opinion, it would be inconvenient to the applicant to attend the matter at Wardha. As non applicant is required to attend the matters at Amravati, there would not be any inconvenience to non applicant to attend the matters at Amravati, Family Court. As such, it would be appropriate to grant relief as prayed for. Accordingly, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) Hindu Marriage Petition No. 353/2021, pending on the file of Civil Judge Senior Division, Wardha, is hereby withdrawn and transferred to Family Court, Amravati.
- (iii) The learned Principal District Judge, Wardha is requested to facilitate the transfer.

(SMT. M.S. JAWALKAR, J.)