



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

**MISC. CIVIL APPLICATION (TR.) NO.804/2023**

Manisha w/o Aashish Muley Vs. Ashish s/o Anilkumar Muley

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

Court's or Judge's orders

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Shri S.B. Gandhe, Advocate for applicant

**CORAM : SMT. M.S. JAWALKAR, J.**  
**DATED : 19/10/2023**

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

2. The present application is filed under Section 24 of the Code of Civil Procedure, 1908, for transfer of Marriage Petition No.A-51/2023 pending on the file of learned Family Court, Buldhana to the Family Court, Amravati. It is submitted by learned Counsel for applicant that applicant is legally wedded wife of non-applicant and their marriage was solemnized on 15/11/2018 at Amravati. Out of the said wedlock, they are blessed with one boy aged about 3 years and presently residing with applicant.

3. It is contention of the applicant that she was harassed mentally as well as economically and therefore, she constrained to leave her matrimonial house. It appears that applicant lodged First Information Report against non-applicant as he had taken the boy child without her consent. Thereafter, custody was handed over to the applicant on 30/03/2023. The First Information Report vide Crime No.431/2023 is filed along with application. The applicant also filed divorce petition under Section

13(1)(i-a) of Hindu Marriage Act vide Petition No.A-133/2023 before the Family Court, Amravati on 19/04/2023.

4. The non-applicant filed application under Section 9 of the Hindu Marriage Act before the Family Court, Buldhana after filing all the proceeding by the applicant herein. It is very inconvenient for her along with child of 3 years, to attend proceedings at Buldhana which is away from 200 km away from Amravati.

5. In my considered opinion, the reasons for transfer is justifiable. As such, non-applicant will have to attend the matter at Amravati which are filed in earlier point of time. As such, I am inclined to allow the application. Hence, I proceed to pass the following order:

#### **ORDER**

- i) The application is allowed.
- ii) The pending proceeding i.e. H.M. Petition No.A-51/2023 pending on the file of learned Family Court, Buldhana is hereby withdrawn and transferred to learned Family Court, Amravati.
- iii) The learned Principal Judge, Family Court Buldhana is requested to facilitate the transfer.

The application stands disposed of accordingly.

**JUDGE**