

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

MISC. CIVIL APPLICATION NO. 667/2022

Sou Shubhangi Sanjay Gadpayale

Vs.

Sanjay Namdeorao Gadpayale

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

Court's or Judge's orders

Shri R.J. Shinde, Advocate for appellant

Shri T.J. Patil, Advocate for respondent

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

DATE : 14/06/2023

Present application is filed by applicant for transfer of Marriage Petition No. 679/2021, pending before the learned Civil Judge, Senior Division, Bhiwandi to Civil Judge Senior Division, Darwaha, District Yavatmal.

2. It is submitted that the applicant is legally wedded wife of non applicant. Their marriage was solemnized on 08/06/2008 at Darwaha. Due to ill treatment and unnecessary harassment, the applicant constrained to leave company of non applicant and to reside at her parents house. She also filed proceeding under Section 125 of Criminal Procedure Code, which was allowed by JMFC, Darwaha and granted Rs.7000/-, amount per month. She has also filed proceeding under D.V. Act, that was also allowed.

However, the non applicant has not paid any amount and to avoid the payment of maintenance, he filed divorce petition before Civil Judge Senior Judge, Bhiwandi vide H.M.P. No. 679/2021.

The learned Counsel for respondent submitted that his salary being attached and regular maintenance is being paid. He opposed the application of transfer. However, the distance between Darwha to Bhiwandi is 750 km. It would be appropriate to transfer the proceeding pending before Civil Judge Senior Division, Bhiwandi, as great inconvenience and hardship would require to face in attending the matter at Bhiwandi to the applicant from Darwha. As such, I am inclined to allow the application. Accordingly, I proceed to pass the following order:

ORDER

1. The application is allowed.
2. The Marriage Petition No. 679/2021, pending before the learned Civil Judge Senior Division, Bhiwandi, Thane, is hereby withdrawn and transferred to Civil Judge Senior Division, Darwha, District Yavatmal.
3. The learned Principal District Judge, Thane, is hereby requested to facilitate the transfer application.

Application stands disposed of.