



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

MISC. CIVIL APPLICATION (TR.) NO.811/2023

Sau. Ashwini Ajay Khade

Vs.

Ajay Sudhakar Khade

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

Court's or Judge's orders

Shri V.D. Dhrne, Advocate for applicant

Shri Mohd. Zahid Suleman Shekhani, Advocate for non-applicant

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

DATED : 19/12/2023

The present application is filed by applicant for transfer of Divorce Petition No.192/2023 pending on the file of learned Joint Civil Judge, Senior Division, Nagpur to the learned Civil Judge Senior Division, Yavatmal.

2. The applicant is legally wedded wife of non-applicant. Their marriage came to be performed on 30/05/2013 at Yavatmal. Out of their wedlock, they have blessed with a child aged about 8 years. It is contention of applicant that due to differences and ill treatment, she was constrained to leave her matrimonial house and started to reside with her parents house.

3. The distance between Yavatmal to Nagpur is around 150 km. The applicant filed the PWDVA Application No.72/2023 under Section 12 of the Protection of Women from Domestic Violence Act before the 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Yavatmal. As such, it is inconvenient and more hardship would cause if applicant required to attend the proceeding at Nagpur.

4. As against this, the non-applicant also filed petition for dissolution of marriage under Section 13(1)(i-a) (i-b) of the Hindu Marriage Act before the learned Civil Judge Senior Division Nagpur. In view thereof, he is permitted to appear before the learned Civil Judge Senior Division Yavatmal through video conference. Accordingly, I proceed to pass the following order:

O R D E R

- i) The application is allowed.
- ii) The proceeding i.e. Divorce Petition No.192/2023 pending on the file of learned Joint Civil Judge Senior Division, Nagpur is hereby withdrawn and transferred to learned Civil Judge, Senior Division, Yavatmal.

iii) The learned Principal Judge, Nagpur is requested to facilitate the transfer.

iv) The non-applicant is permitted to appear through video conferencing except on the date when Court requires his personal attendance.

The application stands disposed of accordingly.

JUDGE

R.S. Sahare