

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

MISC. CIVIL APPLICATION (TR) NO.625 OF 2021

[Sau. Pragati @ Vaishali Pramod Jagtap ..V/s.. Pramod Bhaskar Jagtap]

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

Court's or Judge's order

Mr Y. B. Mandpe, Advocate for Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18th APRIL, 2023.

. Present application is filed by the applicant – wife under Section 24 of the Civil Procedure Code seeking transfer of the matrimonial proceedings bearing Petition No.A-164 of 2021 pending before the Family Court, Aurangabad to the Family Court at Amravati.

2. The application is filed on the ground that marriage of the applicant was solemnized on 27.04.2019 with non-applicant. After marriage, though she resumed cohabitation, she was not treated well and she constrained to leave the matrimonial house and staying at the mercy of her parents at Amravati. The distance between Amravati to Aurangabad is more than 300 kms. The non-applicant has not made any provision for her maintenance or for her livelihood, after she was deserted by him. Moreover, she has filed proceeding under the provisions of Domestic Violence Act, 2005 for monetary relief. She has also lodged the report against non-application under Section 498-A read with Section 34 of the Indian Penal Code, 1860. As two proceedings are already pending before the Court at Amravati, it will be convenient for the applicant - wife to attend the proceeding at

Amravati. Considering the convenience of the applicant, she requested for transfer of the proceeding filed by the non-applicant before the Family Court at Aurangabad be transferred to the Family Court at Amravati. Notice of the said application is served on non-applicant, but he preferred not to appear and not to contest the application.

3. The reasons mentioned in the application is that the distance between two cities is more than 300 kms. Moreover the non-applicant has not made any provision for her maintenance or for her livelihood, and therefore, she is unable to bear the cost of litigation. The two proceedings are already pending in the Court at Amravati.

4. Considering all these reasons and by taking into consideration the convenience of the applicant – wife, the proceeding which is filed before the Family Court at Aurangabad deserves to be transferred to the Family Court at Amravati.

5. In view of the above, the application deserves to be allowed and I proceed to pass the following order :

ORDER

- i) Civil Application is **allowed**.
- ii) The proceeding bearing Petition No.A-164 of 2021 pending before the Family Court, Aurangabad be transferred to the Family Court at Amravati.
- iii) The Family Court at Aurangabad shall send the record and proceedings to the Family Court at Amravati for adjudication.

- iv) The parties to appear before the Family Court at Amravati, on 03.05.2023.
6. The civil application is disposed of accordingly.

JUDGE