



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

MISC. CIVIL APPLICATION NO. 822/2023

Khushboo W/o Amit Gaikwad

Vs.

Amit S/o Bhojraj Gaikwad

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

Court's or Judge's orders

Ms P.R. Wasnik, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 17/10/2023

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

2. Heard learned Counsel for the applicant.

3. Present application is filed for transfer of petition No.A/634/2022, pending before the Hon'ble Judge, Family Court - 3, Nagpur, to the Civil Judge Senior Division, Gadchiroli. It is submitted that their marriage was performed on 07/06/2021 at Armori, District

Gadchiroli. It is submitted that the applicant has also filed application under Section 12 of the Domestic Violence Act before J.M.F.C., Armori, District Gadchiroli, vide P.W.D.V.A. No. 5/2022. There was no chance of settlement. For the reasons stated in the application, she is residing with her parents since 12/08/2021. She has also registered M.C.R. No. 1395/2022. As such, she is having apprehension that her in laws may cause harm, physical as well as mental to her, if she is required to attend Family Court, Nagpur.

4. The distance between Nagpur to Gadchiroli is around 175 k.m. If she is required to attend the date at Nagpur, she will have to travel more than 350 k.m. per date.

5. In my considered opinion, as settled principle of law, convenience of wife will require to be considered and asking applicant/wife to attend from Gadchiroli is inconvenient for her. Otherwise also, respondent will require to attend the P.W.D.V. proceeding and criminal matter pending at Armori. Accordingly, I proceed to pass the following order :

ORDER

- i) application is allowed.
- ii) The pending proceeding i.e. Petition No. A/634/2022, pending before Family Court – 3, Nagpur, is hereby withdrawn and transferred to Civil Judge Senior Division, Gadchiroli.
- iii) The learned Principal Judge Family Court, Nagpur is hereby requested to facilitate the transfer.

Application stands disposed of.

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