



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

MISC. CIVIL APPLICATION (TR.) NO. 827 OF 2023

SMT PRITI W/O. KAPIL DHOTE (PRITI D/O. RAGHUNATH DHUMALE)

...VERSUS...

KAPIL S/O. SURYAKANT DHOTE

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

Court's or Judge's order

Shri N.A.Parwani, Advocate for applicant.

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

DATE : 06th DECEMBER, 2023

In spite of service, none for the non-applicant/respondent.

2. The present application is filed by the applicant for transfer of Petition No. A/299/2023 filed by the respondent under Section 11 r/w. Section 5 of the Hindu Marriage Act, 1955 pending on the file of learned Family Court, Nagpur to learned Family Court, Akola.

3. It is submitted that the applicant is legally wedded wife of the respondent and their marriage was performed on 28/12/2021 at Akot, Distt. Akola. Due to mental and physical harassment, the applicant was constrained to leave her matrimonial house and to reside with her parents.

4. It is further submitted that there are two proceedings filed by the applicant pending at Akola i.e. one before learned Chief Judicial Magistrate, Akola under P.W.D.V. Act and another before learned Family Court, Akola under Section 125 of Cr.P.C. As such, there is no inconvenience going to cause to the respondent if the matter is transferred to learned Family Court, Akola.

5. I have heard the learned counsel for the applicant.

6. The distance between Nagpur to Akola is 275 Km. As such, I am satisfied that the greater hardship and inconvenience would cause to the applicant if she is directed to attend before learned Family Court, Akola. In view thereof, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) The Petition No. A/299/2023 filed by the respondent pending on the file of learned Family Court, Nagpur is hereby withdrawn and transferred to learned Family Court, Akola for trial.
- 3) The learned Principal Judge, Family Court, Nagpur is hereby requested to facilitate the said transfer.
- 4) Permission is granted to the respondent to appear before learned Family Court, Akola through Video Conferencing except on the date on which his personal appearance is required by the Court.
- 5) Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)