

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

MISC. CIVIL APPLICATION (TR.) NO. 773 OF 2022

SAU. VAISHNAVI W/O. GOPAL SHELKE

...**VERSUS**...

GOPAL S/O. DNYANESHWAR SHELKE

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

Court's or Judge's order

Shri J.B.Gandhi, Advocate for applicant.

Shri D.S.Khushalani, Advocate for respondent.

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

DATE : 12th JUNE, 2023

Heard learned counsel for both the parties.

2. The present application is filed by the wife/applicant for transfer of proceedings pending on the file of learned Civil Judge, Senior Division, Achalpur to the Court of learned Civil Judge, Senior Division, Akola.

3. It is contended that the marriage of the applicant was solemnized with the respondent on 23/12/2020 at Akola. It is further contended that she was harassed at the hands of her husband and his parents. Therefore, she was constrained to leave the company of the respondent on 15/04/2022 and since then she is residing at her parental house.

4. The applicant has filed H.M.P. No. 135/2022 before learned Civil Judge, Senior Division, Akola under Section 12 of Hindu Marriage Act so also M.C.A. No. 1172/2022 before learned Judicial

Magistrate, First Class, Akola under the provisions of Domestic Violence Act on 04/06/2022, whereas her husband has filed Marriage Petition No. 162/2022 under Section 9 of the Hindu Marriage Act before learned Civil Judge, Senior Division, Achalpur. It was only intention of the respondent to harass the applicant. Therefore, the applicant is seeking transfer of said proceedings filed by her husband.

5. Learned counsel for the respondent vehemently opposed the application. However, in view of the fact that the respondent is already attending two proceedings at Akola and there would not be any impediment to the respondent to attend the proceeding at Akola, whereas it will be inconvenient to the applicant to attend proceedings at Achalpur as the distance between Akola and Achalpur is more than 120 km.

6. It is submitted by learned counsel for the applicant that the father of the applicant being old age and cannot accompany to the applicant to reach at Achalpur. 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. 162/2022 pending on the file of learned Civil Judge, Senior Division, Achalpur is hereby withdrawn and transferred to the Court of learned Civil Judge, Senior Division, Akola.

- 3) Learned District Judge at Achalpur is hereby requested to facilitate the transfer.
- 4) The application stands disposed of.

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

B.T.Khapekar