

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

MISC. CIVIL APPLICATION NO. 792 OF 2022

Smt. Sheetal W/o. Shubham Padiya

..VS..

Shubham Dilip Padiya

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

Court's or Judge's orders

Mr. A.S. Agrawal, Advocate for applicant.

Ms. Aishwarya Sharma, Advocate for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : FEBRUARY 03, 2023

By preferring this application the applicant wife is seeking transfer of matrimonial proceedings bearing No. A-260 of 2022 pending before the Family Court Akola to Family Court, Nagpur.

2. As per the contention of the applicant that she is legally wedded wife of the non-applicant. Her marriage was solemnized on 15.07.2021. After marriage she resumed cohabitation with non-applicant however, differences arose between them and she constrained to leave the matrimonial house. It is further her contention that the non-applicant was not keeping well and he had pretended to take her for some kind of medical treatment. Thus, the differences were rising day-by-day and therefore she constrained to stay at her parents house. It is further contended that while she was

residing at her parents house she sustained fracture injury on her left leg and she has to undergo surgery for the said injury therefore she unable to attend the proceeding at Akola. She further raised ground that after non-applicant deserted her, no provision is made for her livelihood or her maintenance and therefore she is unable to bear the costs of litigation. For all above grounds she requested for transfer of the matrimonial proceedings from Family Court, Akola to Family Court, Nagpur.

3. Notice of said Application is served on the non-applicant. Learned Advocate Ms. Aishwarya Sharma appears on behalf of non-applicant and submitted that the non-applicant has no objection to transfer the proceedings in the Family Court, Nagpur.

4. Perused the Application. Heard learned Advocate for the applicant.

5. Considering the non-applicant has no objection to transfer the proceedings at Family Court, Nagpur moreover, the applicant has filed medical papers on record which shows that she has sustained fracture injury. Considering the above facts, the Application deserves to be allowed. Hence, I pass following order :

(i) The divorce petition bearing No. A-260 of 2022 pending before the Family Court, Akola is transferred to Family Court, Nagpur for disposal.

- (ii) Parties to appear before the Family Court, Nagpur on 02.03.2023.

The Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Kirtak