

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

MISC. CIVIL APPLICATION (TR.) NO. 08 OF 2023

SWATI W/O. SNEHALKUMAR WAHANE @ S.S. MESHRAM

...VERSUS...

SNEHALKUMAR S/O. SUDHAKARRAO WAHANE

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

Court's or Judge's order

Shri K.R. Jain, Advocate for applicant.

Shri A.D.Girdekar, Advocate for non-applicant.

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

DATE : 14th JULY, 2023

Heard learned counsel for both the parties.

2. The present application is filed by the applicant/wife for transfer of Divorce Petition bearing No. A-54/2020 pending before learned Family Court, Amravati to the learned Family Court, Yavatmal.

3. The applicant is legally wedded wife of the non-applicant. Their marriage was performed at Yavatmal on 10/06/2019. It is contended by the applicant that after marriage, she was harassed mentally as well as physically by the non-applicant and his family members, therefore, she constrained to leave her matrimonial house. It appears that she has filed the proceedings against the non-applicant vide Cri. M.A. No. 117/2020 under P.W.D.V. Act so also proceedings vide Cri.M.A. No. E-280/2020 under Section 125 of Cr. P. C. at learned Chief Judicial Magistrate, Yavatmal.

4. She received notice of Divorce Petition bearing No. A-54/2020 in the month of February, 2020. It is submitted that it is nothing but to harass the applicant. The distance between Amravati to Yavatmal is 110 km. Apart from this, the applicant is suffering from "Huntington" disease and due to which, it is very difficult for her to travel to Amravati for attending the proceedings, whereas her husband/non-applicant is attending the aforesaid criminal proceedings at Yavatmal. In view thereof, in the interest of justice and to avoid the inconvenience and hardship which is going to cause to the applicant, it would be appropriate to transfer the divorce proceedings from Amravati to Yavatmal. Accordingly, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) The Divorce Petition bearing No. A-54/2020 filed by the non-applicant before learned Family Court, Amravati is hereby withdrawn and transferred to learned Family Court, Yavatmal.
- 3) Learned Principal Judge, Family Court, Amravati is hereby requested to facilitate the transfer.
- 4) The application stands disposed of accordingly.

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