



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

MISC. CIVIL APPLICATION (TR) NO. 855/2022

Sau. Rani Abhijeet Patil

Vs.

Abhijeet Vishnupant Patil

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

Court's or Judge's orders

Shri. S.B. Gandhe, Advocate for applicant
Ms Vidya Umale, Advocate for respondent

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

DATE : 17/08/2023

Heard.

2. Present applicant is legally wedded wife of respondent. She prayed for transfer of Marriage Petition No. 213/2018, pending on the file of Civil Judge, Senior Division, Wardha to the learned Family Court at Yavatmal.

3. It is submitted that their marriage was performed at Yavatmal and out of the said wedlock they had one son namely Yash, aged about six years. Due to continuous demand of dowry and cruelty at the hands of respondent, she was constrained to live her matrimonial house and to reside at her parents house.

4. There is already proceeding under Section 498-A of Indian Penal Code pending at Ashti Court. It also appears that there are proceeding initiated at P.W.D.V.A. of No. 128/2022 on 17/11/2022 before the

learned J.M.F.C., Yavatmal. It is submitted that the respondent is required to attend the proceeding at Yavatmal in P.W.D.V.A., Yavatmal. As such, considering the distance between Yavatmal and Wardha, and considering the fact that she is having six years old child and no support from her family, it would be appropriate to transfer the application.

5. The application is opposed by the learned Counsel for respondent.

6. However, considering the reasons stated in the application, it would cause inconvenience and hardship to the applicant to attend the proceeding at Wardha. Whereas, the respondent is required to attend criminal proceeding at Ashti as well as P.W.D.V.A. proceeding at Yavatmal. As such, the application is allowed. Accordingly, I proceed to pass the following order :

ORDER

- i) Application is allowed.
- ii) The Marriage Petition No. 213/2018, pending on the file of learned Civil Judge Senior Division, Wardha, is hereby withdrawn and transferred to Family Court at Yavatmal.
- iii) Learned Principal Judge, Wardha, is hereby requested to facilitate the transfer.

Application stands disposed of.

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

Jayashree..