



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

MISC CIVIL APPLICATION (MCA) NO.244 OF 2022

Sau Poonam W/o. Dinesh Patle

.Vs.

Shri Dinesh S/o. Tamsingh Patle

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

Mr Gajanan Hemke, Advocate for the applicant
None for the respondent

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 13, 2024

Respondent and his advocate absent.

2. This is an application for transfer of petition bearing HMP No. 3 of 2021 pending on the file of 4th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nagpur (now pending before the Joint Civil Judge Senior Division, Nagpur) to the Family Court at Amravati.

3. It is stated that the applicant-wife has been staying with her parents at Amravati. She has filed a proceeding before the Family Court at Amravati for maintenance. The non-applicant-husband has appeared in the said proceeding before the Family Court at Amravati. It is stated that the applicant has no source of income. She

is residing with her parents. She is finding it difficult to attend the Court at Nagpur. The husband, in any case, is required to attend the proceeding at Amravati. It is, therefore, submitted that the transfer of proceeding be allowed.

4. Despite granting sufficient opportunity to the non-applicant, he has not filed reply and as a result thereof, the averments made in the application have gone unchallenged and uncontroverted.

5. I have perused the record and proceeding. Undisputedly, the applicant-wife has filed an application before the Family Court at Amravati for maintenance. The said application, as submitted by the learned Advocate, is now posted for filing the written statement of the non-applicant. The petition, filed by the non-applicant – husband, is for divorce on the grounds set out in the petition. The applicant-wife is residing with her parents. She is a housewife. She has no source of income. In the facts and circumstances, I found substance in her contention. The applicant, on the basis of the facts and grounds pleaded in the application, has made out a case for transfer of the proceeding. Hence, the following order.

ORDER

- (1) The Misc. Civil Application is allowed.
- (2) The marriage petition bearing HMP No. 3 of 2022 pending on the file of 4th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nagpur (now pending before the Joint Civil Judge Senior Division, Nagpur) be transferred to the Family Court at Amravati.
- (3) The civil application stands **disposed of**, in the aforesaid terms. No order as to costs.

(G. A. SANAP, J)

Namrata