



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

MISC CIVIL APPLICATION (MCA) NO. 278 OF 2024

Kapil Prakash Potraje .Vs. Sou Shubhangi Kapil Potraje

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

Mr A. R. Rawlani, Advocate for the applicant

Mr Nitesh Dolas, adv. h/f. Mr Muzammil Hussain, Advocate for the respondent

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 13, 2024

This is an application for transfer of divorce petition bearing No. 54 of 2024 pending on the file of 6th Joint Civil Judge Senior Division, Chandrapur to the Family Court at Nagpur.

2. It is the contention of the applicant-husband that the respondent-wife is residing with him at Zingabai Takali, Nagpur. Their son is taking education at Nagpur. The respondent has filed the proceeding for divorce against the applicant-husband before the Court at Chandrapur. It is stated that the proceeding has been filed at Chandrapur with an intention to harass the applicant-husband.

3. Heard learned Advocates for the parties. Perused the record and proceeding. Despite granting sufficient time, the non-applicant has not filed the reply.

Therefore, the averments made in the application have gone unchallenged and uncontroverted.

4. Learned Advocate for the applicant-husband has placed on record the number of documents to justify his contention that the respondent-wife has been residing with him at Nagpur. The evidence which is filed with the pursis is sufficient to accept the contention of the applicant. The son is also taking education at Nagpur. In view of this, it *prima facie* appears that the respondent, who is residing at Nagpur, has filed the proceeding at Chandrapur. It is apparent that it is with *mala fide* intention. Hence, the following order:

ORDER

- (1) The Miscellaneous Civil Application is **allowed**.
- (2) The marriage petition bearing No. 54 of 2024 pending on the file of 6th Joint Civil Judge Senior Division, Chandrapur be transferred to the Court of Family Court at Nagpur.
- (3) The civil application stands disposed of, accordingly. No order as to costs.

(G. A. SANAP, J)