



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

MISC CIVIL APPLICATION (MCA) NO.342 OF 2024

Snehal W/o. Rohit Mendhe

.Vs.

Rohit Banduji Mendhe

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

Ms Kirti Deshpande, Advocate for the applicant
None for the non-applicant

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 20, 2024

Heard learned Advocate for the applicant. The non-applicant is absent.

2. This is an application for transfer of petition bearing HMP No. 64 of 2024 pending on the file of learned Joint Civil Judge Senior Division, Achalpur, Dist. Amravati to the Family Court at Yavatmal.

3. It is stated that the wife, on account of the ill-treatment meted out to her by non-applicant-husband, is residing with her parents at Yavatmal. She has filed an application under Section 125 of the Code of Criminal Procedure for maintenance against the non-applicant. The non-applicant has filed the Hindu Marriage Petition for restitution of conjugal rights before the Court of Civil

Judge Senior Division, Achalpur District Amravati. The distance between Achalpur and Yavatmal is about 130 km. There is no direct connectivity. The journey time, depending upon the conveyance facility, would be 3-4 hours. The applicant is residing with her parents. She has no source of income. The husband is attending the proceeding at Yavatmal. The transfer of the Hindu Marriage Petition from the Court of Civil Judge Senior Division, Achalpur, Distt Amravati, will not cause any prejudice to him.

4. The non-applicant-husband despite service, has failed to appear before this Court. The averments made in the application have gone unchallenged and uncontroverted.

5. I have perused the record and proceeding. Undisputedly, the non-applicant-husband is attending the proceeding filed by the wife under Section 125 of the Code of Criminal Procedure in the Family Court at Yavatmal. If the proceeding at Achalpur is not transferred to Yavatmal, then also the husband would be required to attend the Family Court at Yavatmal. It appears that the non-applicant has no serious objection for this application and therefore, he has chosen not to appear before this

Court. On going through the record and proceedings, I am satisfied that this is a fit case for granting the application for transfer. Hence, the following order.

ORDER

- (1) The Misc. Civil Application is allowed.
- (2) The marriage petition bearing HMP No. 64 of 2024 pending on the file of Civil Judge Senior Division, Achalpur, Distt. Amravati be transferred to the Family Court at Yavatmal.
- (3) The civil application stands **disposed of**, accordingly. No order as to costs.

(G. A. SANAP, J)

Namrata