



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

MISC. CIVIL APPLICATION (TR) NO.372 OF 2024

(Mrs. Rashmi Vaibhav Kaulkar alias Ms. Rashmi Sudhakar Rao Mokhalkar Vs. Mr.
Vaibhav Ganesh Kaulkar)

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

Court's or Judge's orders.

Mr. S. N. Chikhale, Advocate for Applicant.

CORAM: G. A. SANAP, J.

DATE: 9th AUGUST, 2024.

This is an application for transfer of Hindu Marriage Petition No.A-2139/2023 pending on the file of learned Judge, Family Court at Pune to the Family Court at Amravati.

2. It is stated that the applicant on account of the matrimonial discord between her and the non-applicant has been residing with the parents at village Nerpingali, Taluka Morshi, District Amravati. She was subjected to domestic violence by the non-applicant. She has therefore, initiated the proceedings under the Protection of Women from Domestic Violence Act, 2005, against the non-applicant and it is pending in the Court of Judicial Magistrate First Class, Morshi. It is stated that the petition is at the stage of evidence. The non-applicant is required to attend the said proceedings. The petition filed before the Family Court is at the stage of filing written statement. The applicant is required to travel all the way from Nerpingali, Taluka

Morhshi, District Amravati to Pune for attending the said proceedings. It is stated that she has been put to great inconvenience. She is not financially well off. The non-applicant is earning monthly salary of Rs.2,50,000/-. It is submitted that in view of this the proceedings pending at Pune Court may be transferred to the Family Court at Amravati.

3. Despite service of the notice, the non-applicant has not appeared before this Court. The averments made in the application have gone unchallenged and uncontrovered.

4. Perusal of the facts, stated in the application would show that the same are sufficient to substantiate the prayer for transfer. Accordingly, the application deserves to be allowed. The non-applicant in any case is required to attend the Court at Morshi for attending the proceedings filed under the Domestic Violence Act. The non-applicant, in case of transfer of marriage petition from Pune to Amrvati, can make a request to the Courts for keeping both the matters on the same date. The prayer made by the applicant deserves to be accepted. Hence, the following order:

ORDER

- i] The application is allowed.
- ii] The proceedings of Hindu Marriage Petition No.A-2139/2023, pending on the file of Judge, Family Court, Pune, may be transferred to the Judge, Family Court at Amravati for decision in accordance with law.

iii] The Principal Judge, Family Court Pune shall withdraw the proceedings of Hindu Marriage Petition NoA-2139/2023 from the file of Judge, Family Court, Pune and transfer it to the file of Principal Judge, Family Court, Amravati.

iv] The Principal Judge, Family Court, Amravati shall, in turn, assign the proceedings of Hindu Marriage Petition No.A-2139/2023 to the Judge, Family Court, Amravati for its disposal in accordance with law.

5. The application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)

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