



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

MISC. CIVIL APPLICATION (TR) NO.666 OF 2023

(Mrs. Sana Roshan w/o Sahil Inamdar Vs. Saha s/o Sajid Inamdar)

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

Court's or Judge's orders.

 Mr. M. A. Qureshi, Advocate for Applicant.
 Mr. S. P. Rajurkar, Advocate for Non-Applicant.

CORAM: G. A. SANAP, J.

DATE: 9th AUGUST, 2024.

This is an application for transfer of Petition-B No.5/2023, pending before the Family Court at Pune to the Family Court at Nagpur.

2. It is stated that the applicant has filed the proceedings under the Protection of Women from Domestic Violence Act, 2005, in the Court at Nagpur as well as application in the Family Court at Nagpur under Section 125 of Cr.P.C. It is stated that the applicant is financially very weak and therefore, finding it difficult to attend the proceedings filed by the non-applicant at Pune. She has no source of income. She has been residing with her parents. She alone cannot travel to Pune for the purpose of attending the proceedings. It is, therefore, submitted that considering the difficulties faced by her the proceedings may be transferred from Pune to Nagpur.

3. The non-applicant has filed the reply and opposed the application. It is contended that no case has been made out for transfer. However, he has not disputed

the pendency of the two proceedings as stated by the applicant in the Court at Nagpur.

4. Heard learned Advocates for the parties. Perused the record and proceedings.

5. In my view, inconvenience to the wife is one of the grounds for transfer of petition from one Court to another. The wife – applicant is residing at Nagpur. Since the petition filed by the non-applicant is pending in the Court at Pune, she would be required to go there to attend the said proceeding. It has come on record that the non-applicant is serving in Merchant Navy and for a months together he is on the sea. In my view, keeping in mind the convenience of both the parties it would be just and proper to transfer the Petition-B No.5/2023 pending before the Family Court at Pune to the Family Court at Nagpur. The non-applicant is required to attend the two cases pending against him at Nagpur. The application filed under Section 125 of Cr.P.C. is pending in the Family Court. It is not out of place to mention that the contentions of the parties in these proceedings are more or less similar. In my view, for the purpose of convenience of the parties Petition-B No.5/2023 and the proceeding pending before the Family Court under Section 125 of Cr.P.C. filed by the wife can be clubbed. This may avoid repetition of the evidence and the contradictory findings on the same issues. In view of this factual position the application is allowed. The Petition-B No.5/2023 pending before the Family Court at Pune be transferred to the Family Court at Nagpur. The Principal Judge, Family Court at Nagpur shall assign the

same petition to the Court where the proceeding under Section 125 of Cr.P.C. is pending. Both the matters be clubbed together for adjudication. The applicant shall file written statement in the Petition-B No.5/2023 within a week from the date of the transfer of the petition to the Family Court. The prayer made by the applicant deserves to be accepted. Hence, the following order:

ORDER

- i] The application is allowed.
 - ii] The proceedings of Petition-B No.5/2023, pending before the Family Court at Pune, be transferred to the Family Court at Nagpur for decision in accordance with law.
 - iii] The Principal Judge, Family Court, Pune shall withdraw the proceedings of Petition-B No.5/2023 from the file of Judge, Family Court, Pune and transfer it to the file of Principal Judge, Family Court, Nagpur.
 - iv] The Principal Judge, Family Court, Nagpur shall, in turn, assign the proceedings of Petition-B No.5/2023 to the Judge, Family Court, Nagpur for its disposal in accordance with law.
6. The application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)