



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

MISC. CIVIL APPLICATION (TR) NO.845 OF 2023

(Smt. Chandani w/o Saurabh Trivedi Vs. Shri Saurabh s/o Bhagwankrushna Trivedi)

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

Court's or Judge's orders.

Mr. H. V. Khawale, Advocate for Applicant.
None for Non-Applicant.

CORAM: G. A. SANAP, J.

DATE: 9th AUGUST, 2024.

Learned Advocate for the non-applicant is absent.
Despite granting time reply has not been filed.

2. Heard learned Advocate for the applicant.
Perused the record and proceedings.

3. This is an application for transfer of Hindu Marriage Petition No.1922/2022 pending before the Family Court at Pune to the Court of Civil Judge, Senior Division, Nagpur.

4. It is stated that the applicant is residing at Hingna, District Nagpur. It is stated that she has filed proceeding under the Protection of Women from Domestic Violence Act, 2005, against the non-applicant which is pending before the Chief Judicial Magistrate cum Civil Judge, Senior Division, Nagpur. It is stated that the applicant is not doing service. She is residing with her parents. She is finding it very difficult to go to Pune for attending the matter.

5. To represent the applicant, Advocate is provided by the Legal Aid Sub-Committee, Nagpur on account of weak financial position. It needs to be stated that in such a case, the convenience of the wife is required to be considered. Perusal of the record shows that the applicant is not financially well off. There is no order either in a Domestic Violence Act, 2005, proceeding or Hindu Marriage Petition with regard to the award of interim maintenance to the applicant. The non-applicant has chosen not to file reply.

6. In view of this, the averments made in the application contending the inconvenience to the applicant have gone unchallenged and uncontroverted. In this case, therefore, 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.1922/2022, pending before the Family Court, Pune, be transferred to the Civil Judge, Senior Division, Nagpur for decision in accordance with law.
- iii] The Principal Judge, Family Court, Pune shall withdraw the proceedings of Hindu Marriage Petition No.1922/2022 from the file of the Judge, Family Court, Pune and transfer it to the file of Principal District and Sessions Judge, Nagpur.
- iv] The Principal District and Sessions Judge, Nagpur shall, in turn, assign the proceedings of Hindu Marriage

Petition No.1922/2022 to the Court of Civil Judge, Senior Division, Nagpur for its disposal in accordance with law.

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

(G. A. SANAP, J.)

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