



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

MISC. CIVIL APPLICATION (TR.) NO. 80 OF 2024

Sau. Priti W/o. Ratnadeep Gajbhiye @ Priti D/o. Ashokrao Gote

Vs.

Ratnadeep S/o. Pradeep Gajbhiye

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

Court's or Judge's orders

Ms. P.N. Lakhani, Advocate for the Applicant.

CORAM : G. A. SANAP, J.

DATED : 19th JULY, 2024.

. Heard learned advocate for the applicant. The non-applicant and his advocate are absent. Reply is not filed.

2. This is an application for transfer of Petition No. A 1058/2023, pending on the file of learned Principal Judge, Family Court at Nagpur, to the Court of Civil Judge (Senior Division), Hinganghat, Dist. Wardha.

3. It is stated that the non-applicant has driven out the applicant from the matrimonial home. The applicant, with her 2½-year-old child, has been staying at the house of her parents at Hinganghat. She has filed the application under Section 125 of the Code of Criminal Procedure, 1973, in the Court of Judicial Magistrate, First Class, Hinganghat. It is stated that she is finding it very difficult to attend the Family Court at Nagpur. The non-applicant has not made any provision for her maintenance.

4. The non-applicant, though served, has not filed reply. The statements made in the application have gone unchallenged and uncontroverted. The facts stated in the application, in my view, are sufficient to make out a case for transfer of the proceeding from Nagpur to Hinganghat. The distance between Nagpur and Hinganghat is 76 km. The applicant is not doing service. She is a home marker. The non-applicant, as per the application, is doing business at Nagpur. In the facts and circumstances, considering the inconvenience caused to the applicant, it would be just and proper to grant her prayer. Hence, the following order:

ORDER

- i] The Application is **allowed**.
- ii] Petition No. A 1058/2023, pending on the file of learned Principal Judge, Family Court at Nagpur, be transferred to the Court of Civil Judge (Senior Division), Hinganghat, Dist. Wardha, for decision in accordance with law.
- iii] The Application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)

Vijay