



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

**MISC. CIVIL APPLICATION NO. 172 OF 2024**

Kalyani Nikhil Dhote,  
Age 26 years, Occ. Household,  
R/o. 12B, Shankar Nagar, Vyankatesh,  
Amravati, Tq. & Dist. Amravati.

... **APPLICANT**

**// VERSUS //**

Nikhil Damodar Dhote,  
Aged 31 years, Occ. Private Job,  
R/o. Plot No. 64, Near Baseshwar Statute,  
Ayodhya Nagar, Nagpur  
Tq. & Dist. Nagpur-440024.

... **NON-APPLICANT**

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Shri N. A. Gawande, Advocate for applicant.

Shri M. N. Marshettiwar a/w. Ms. R. K. Ghangare, Advocate for non-  
applicant.  
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**CORAM :- M. W. CHANDWANI, J.**

**DATED :- 06.05.2024**

**ORAL JUDGMENT :-**

Heard.

2. **Admit.** By consent of the learned counsel for the parties,  
the matter is heard finally.

3. This is an application under Section 24 of the Civil  
Procedure Code for transfer of Marriage Petition No. A-1516/2023,

filed by the non-applicant against the applicant, from the file of Family Court, Nagpur to the file of Family Court, Amravati.

4. The brief facts, for adjudication of the matter, are as under:-

Due to harassment meted out by the non-applicant and his family members, the applicant is residing at her parental home at Amravati. She has filed a complaint under the provisions of the Protection Of Women From Domestic Violence Act, 2005 before the learned Chief Judicial Magistrate, Amravati against the non-applicant, which is pending for adjudication. The non-applicant has also filed a Marriage Petition bearing No. A-1516/2023, which is pending on the file of Family Court, Nagpur. The applicant has sought transfer of the said petition from the file of Family Court, Nagpur to the file of Family Court, Amravati.

5. Heard N. A. Gawande, learned counsel for the applicant, Shri M. N. Marshettiwar, learned counsel for the non-applicant and also perused the record.

6. It is contended on behalf of the learned counsel for the applicant that the applicant has no independent source of income and she is living at her parental home. The father of the applicant died

during the outbreak of Corona pandemic. The applicant is not in a position to bear to and fro expenses of her traveling for attending the proceedings filed by the non-applicant against her at Family Court, Nagpur. Hence, she seeks transfer of the said petition from Family Court, Nagpur to Family Court, Amravati.

7. It is seen from the record that the applicant is living at her parental house at Amravati. The applicant has to travel to Nagpur, which is more than 150 kms. away from Amravati. After the matter is over, she has to return to Amravati late in the evening and is required to incur expenses for traveling to and fro from Amravati to Nagpur to attend the said proceeding. At present, there is no member at the parental house of the applicant who can accompany her for traveling to Nagpur. The applicant has filed proceedings against the non-applicant, under the provisions of Domestic Violence Act before the learned Chief Judicial Magistrate, Amravati, which the non-applicant has to contest. Hence, no prejudice will be caused if the proceeding, filed by the non-applicant against the applicant, is transferred from Nagpur to Amravati.

8. In the recent verdict of the Hon'ble Supreme Court in the case of *N.C.V Aishwarya Vs. A.S. Saravana Karthik Sha*<sup>1</sup>, it has been

1 AIR 2022 SC 4318

held that the convenience of the wife must be looked into. The non-applicant may even attend the proceedings before Family Court, Amravati through video conferencing, if the said facility is available and upon application made in this behalf to the said Court on the date where his physical presence is not required. Hence, a case is made out for transferring the said proceedings from the file of Family Court, Nagpur to the file of Family Court, Amravati. Hence, the following order:-

- i) The application is allowed.
- ii) The petition Marriage Petition bearing no. A-1516/2023, pending on the file of Family Court, Nagpur is transferred to the file of Family Court, Amravati.
- iii) If there is video conferencing facility available with Family Court, Amravati then any application filed by the non-applicant, for appearing in the proceeding through Video Conferencing shall be taken into consideration, unless personal presence of the non-applicant is required in the matter.

(M. W. CHANDWANI, J.)