



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

MISC. CIVIL APPLICATION (TR.) NO.401 OF 2024

Mrs. Dipali Sanket Bhalme
(Vs.)
Mr. Sanket Diwakarrao Bhalme

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

Court's or Judge's orders.

Mr. C.P. Chandurkar, Advocate for the applicant.
Mr. Abhay Giri, Advocate for the non-applicant.

CORAM : G.A. SANAP, J.
DATE : 08.08.2024

Heard learned Advocate for the applicant
and learned Advocate for the non-applicant.

2. This is an application made by the applicant/wife seeking transfer of Marriage Petition No.378/2023, filed by the non-applicant/husband pending on the file of 17th Joint Civil Judge, Senior Division, Nagpur to the Court of Civil Judge, Senior Division, Panvel, District Raigad.

3. It is stated that the applicant, with her three years old girl, is residing with her parents at

Panvel. She has no source of income. The applicant has filed an application against the non-applicant under Section 12 of the Domestic Violence Act, 2005 (for short, “the D.V. Act”) in the Court of Civil Judge, Junior Division at Panvel.

4. It is the case of the applicant that the non-applicant has filed Marriage Petition bearing No.378/2023 under Section 9 of the Hindu Marriage Act, 1955 for restitution of Conjugal Rights against the applicant and for this petition she is required to travel all the way to Nagpur from Panvel and the non-applicant is required to attend the D.V. Act proceeding at Panvel. It is therefore, submitted that for the purpose of convenience of the applicant Marriage Petition bearing No.378/2023 may be transferred to Panvel.

5. The non-applicant has filed reply and opposed the application. It is contended that the non-applicant would be required to travel to Panvel for attending the D.V. Act proceeding filed by the

applicant. It is stated that the applicant can also attend this proceeding at Nagpur. It is further submitted that in case, this Court is inclined to grant the application, the necessary observations be made in the order and it be clarified that the Courts at Panvel shall keep both the matters on the same date.

6. I have gone through the proceeding. In my view, in this case, the convenience of the applicant is required to be considered. Three years old daughter is residing with her. She would be required to travel from Panvel to Nagpur which is more than 804 km. In my view, the submissions advanced by the learned Advocate for the applicant deserves acceptance. Accordingly, the application deserves to be allowed. Hence, the following order:-

ORDER

- i) The application is allowed.
- ii) Hindu Marriage Petition No.378/2023 pending on the file of 17th Joint Civil Judge, Senior Division, Nagpur be transferred to Civil Judge

Senior Division, Panvel, Tahsil Panvel, District Raigad. As and when a request is made for keeping case on one date, same be considered.

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

JUDGE

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