



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

MISC. CIVIL APPLICATION (TR.) NO.403 OF 2024

Mayuri w/o Pravin Nagare

(Vs.)

Pravin Dadarao Nagare

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

Court's or Judge's orders.

Mr. A.D. Bhate, Advocate for the applicant.

Mr. Harshawardhan Chauhan, Advocate for the non-applicant.

CORAM : G.A. SANAP, J.

DATE : 04.10.2024

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

2. This is an application for transfer of Marriage
Petition No.376/2023 pending on the file of Family
Court, Akola to the Court of Civil Judge, Senior
Division, Khamgaon.

3. It is stated that the applicant has filed
petition for restitution of conjugal rights in the
Court of Civil Judge, Senior Division at Khamgaon.
The non-applicant-husband has filed divorce
petition before Family Court at Akola. The husband

is residing in USA. He is doing service. The applicant is residing with her parents at Khamgaon. It is stated that she is finding it very difficult to attend the proceeding at Akola. It is stated that since both the proceedings are matrimonial proceedings, it is desirable to have the adjudication of the same by one Court.

4. The non-applicant has opposed this application. It is contended that the applicant is threatening his family members, who are residing at Borgaon Manju. According to the non-applicant, no case has been made out for transfer of the petition.

5. I have gone through the record and proceedings. At the outset, it is necessary to note that the husband is residing in USA. He would be required to attend the proceedings via video conferencing. It needs to be stated that such proceedings are desired to be disposed of by the same Court together. If such proceedings are decided separately then it may invite contrary findings. Similarly, it would be nothing short of

wasting time of the Court.

6. Learned Advocate for the non-applicant submitted that against the applicant restraining order has been passed by the Competent Court at California.

7. In view of the restraining order she cannot enter the limits of the said area. It is also submitted that the applicant is threatening the family members of the non-applicant. It is submitted that if this Court is inclined to allow the transfer application then the non-applicant be allowed to depose via video conferencing.

8. Learned Advocate for the applicant submits that it is their choice and as such the applicant cannot object for the same.

9. It is noted that husband cannot personally attend the proceedings. He would be attending the proceedings via video conferencing. In the facts and circumstances, to take care of the difficulties and inconvenience of the wife, it would be just and

proper to grant this application. Hence, the following order:-

ORDER

- i) The application is allowed.
- ii) Hindu Marriage Petition No.376/2023 pending on the file of Family Court, Akola be transferred to Civil Judge Senior Division, Khamgaon.
- iii) It is made clear that as and when such request is made by the non-applicant for appearance via video conferencing and for tendering evidence via video conferencing, the same shall be considered.
- iv) The application stands disposed of in the aforesaid terms. No order as to costs.

JUDGE