



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

MISC. CIVIL APPLICATION (TR.) NO.412 OF 2024

Soniya w/o Abhijeet Chaple

(Vs.)

Abhijit s/o Rajesh Chaple

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

Court's or Judge's orders.

Mr. R.D. Dharmadhikari, Advocate for the applicant.

CORAM : G.A. SANAP, J.

DATE : 29.11.2024

Heard learned Advocate for the applicant.

Perused the record and proceedings.

2. This is an application for transfer of
Petition No.1616/2023 pending on the file of
Family Court No.2, Nagpur to the Civil Judge,
Senior Division, Gondia.

3. The respondent despite granting
sufficient time has failed to file the reply. The
application has been proceeded without reply.

4. The applicant-wife is residing with her father. She has four years child. She has no source of income. The proceeding filed by her under Section 12 of the Protection of Women From Domestic Violence Act, 2012 (for short, 'the D.V. Act') is pending in the Court of Judicial Magistrate, First Class, Gondia.

5. The respondent has filed the divorce petition in the Family Court at Nagpur. It is stated that the distance between Nagpur and Gondia is 150 k.m. The applicant has to look after her child. She is not able to attend the Family Court at Nagpur.

6. The filing of two proceedings by the parties in two different Courts is not in dispute. The husband has not filed the reply and as such, the facts stated in the petition have gone unchallenged and uncontroverted. The husband would be required to attend the D.V. Act proceeding pending in the Court of Judicial Magistrate First Class, Gondia. In

such a matter the convenience of the wife has to be given precedence. In view of the pendency of two petitions, in two Courts, both the parties would be required to attend both proceedings.

5. In view of the above, I conclude that case is made out for transfer. Hence, the following order:-

ORDER

- i) The application is allowed.
- ii) Petition No.1616/2023 pending on the file of Family Court No.2 Nagpur be transferred to Civil Judge, Senior Division, Gondia.
- iii) The application stands disposed of in the aforesaid terms. No order as to costs.

JUDGE