



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

MISC. CIVIL APPLICATION (TR.) NO.488 OF 2024

Sou. Asmita w/o Nagasen Nandagawali

(Vs.)

Shri Nagasen Sunil s/o Nandagawali

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

Court's or Judge's orders.

Ms Nazia Pathan, Advocate h/f Mr. V.B. Nandanwar, Advocate for the applicant.

CORAM : G.A. SANAP, J.

DATE : 11.10.2024

Heard learned Advocate for the applicant.

2. This is an application for transfer of Marriage Petition No.52/2024 pending on the file of Joint Civil Judge, Senior Division and Add. Chief Judicial Magistrate, Gondia to the Court of Civil Judge, Senior Division, Warora.

3. Despite granting sufficient time reply has not been filed.

4. The averments made in the application

filed by the wife have gone unchallenged and uncontroverted. The wife has already filed Protection of Women from Domestic Violence Act, 2005 proceeding in the Court of Judicial Magistrate First Class Warora. Similarly, criminal case on the report of the wife is pending for the offence under Section 498-A of the Indian Penal Code against the husband in the Court of Magistrate at Warora. The husband has filed the petition for restitution of conjugal rights in the Court of Civil Judge Senior Division, Gondia. It is stated that the distance between Gondia and Warora is 180 k.m.

5. In view of the grounds stated in the application and the facts that the non-applicant has not opposed the same by filing reply, I do not see any reason to discard and disbelieve the same. In such proceedings the convenience of wife is required to be considered. Accordingly, the application deserves to be allowed. Hence, the following order:-

ORDER

- i) The application is allowed.

ii) Hindu Marriage Petition No.52/2024 pending on the file of Joint Civil Judge, Senior Division and Add. Chief Judicial Magistrate, Gondia be transferred to Civil Judge Senior Division, Warora.

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

JUDGE

manisha