



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

CRIMINAL APPLICATION NO. 42 OF 2024

CHITRALEKHA W/o MITHUN MESHRAM

VERSUS

MITHUN S/o HARIDAS MESHRAM

WITH

MISC. CIVIL APPLICATION NO. 295 OF 2024

CHITRALEKHA W/o MITHUN MESHRAM

VERSUS

MITHUN S/o HARIDAS MESHRAM

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Nazia Pathan, Advocate for the applicant.

CORAM : G. A. SANAP, J.

DATE : JULY 15, 2024.

1. In both these applications, the parties are same and the prayer made is with regard to the transfer of cases pending in the Court of law between the parties.

2. In Cri. Application No. 42/2024, a prayer has been made for transfer of D.V. Act proceeding bearing No. 52/2023, pending on the file of Judicial Magistrate First Class, Bhandara to the Court of Judicial Magistrate, First Class, Wadsa-Desaiganj, Dist. Gadchiroli. In Misc. Civil Application No. 295/2024, a prayer is made for transfer of Hindu Marriage Petition No. A-117/2023, pending on the file of Family Court, Bhandara to the Court of Civil Judge, Senior Division, Gadchiroli.

3. It is stated that the non-applicant/husband is working as a Clerk in the Nagar Parishad, Bhandara. He has driven out the applicant from the matrimonial house. The applicant has been residing with her brother at Wadsa-Desaiganj. It is stated that she has no source of income. She is required to travel all the way from Wadsa-Desaiganj to Bhandara to attend the Court at Bhandara. When the D.V. Act proceedings were filed, she was residing at Bhandara. It is stated that she has been finding it very difficult to cope up with this situation. The distance between Wadsa-Desaiganj to Bhandara is 100 kilometers.

4. The husband, who is non-applicant in both the proceedings, despite service, has failed to appear before this Court. He has not filed reply to these applications. The averments made by the applicant/wife have, as such, gone unchallenged and uncontroverted.

5. Two proceedings are pending in two different Courts at Bhandara. The applicant is residing with her brother at Wadsa-Desaiganj. The applicant is not doing service. It is submitted that no order has been passed awarding interim maintenance to the applicant. In my view, considering the facts stated above in totality, it would show that in order to take care of the inconvenience caused to the applicant, it would be just and proper to grant the applications.

6. Accordingly, both the applications are allowed.

7. PWDVA case No. 52/2023, pending on the file of Judicial Magistrate First Class, Bhandara is transferred to the Court of Judicial Magistrate, First Class, Wadsa-Desaiganj, Dist. Gadchiroli ; and Hindu Marriage Petition No. A-117/2023, pending on the file of Family Court, Bhandara is transferred to the Court of Civil Judge, Senior Division, Gadchiroli.

8. The Principal District and Sessions Judge, Bhandara shall withdraw PWDVA case No. 52/2023 from the file of Judicial Magistrate, First Class, Bhandara and transfer it to the Principal District and Sessions Judge, Gadchiroli.

9. The Principal Judge, Family Court, Bhandara shall withdraw Hindu Marriage Petition No. A-117/2023 and transfer it to the Principal District and Sessions Judge, Gadchiroli.

10. The Principal District and Sessions Judge, Gadchiroli shall, in turn, assign PWDVA case No. 52/2023 to the Court of Judicial Magistrate, First Class, Wadsa-Desaiganj and assign Hindu Marriage Petition No. A-117/2023 to the Court of Civil Judge, Senior Division, Gadchiroli.

11. Both the civil applications are disposed of in the aforesaid terms.

(G. A. SANAP, J.)