



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

MISC. CIVIL APPLICATION (TR.) NO.258 OF 2022

Yogita @ Gitai w/o Namdeo Deharkar
Vs.
Namdeo Maroti Deharkar

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

Court's or Judge's orders

Mr. K. K. Gour, Counsel for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2025

1. By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, the present applicant is seeking transfer of the Marriage Petition No.A-411/2021 pending in the Family Court No.3, Nagpur to the Civil Judge Senior Division, Warora, District Chandrapur.

2. Learned Counsel for the applicant submitted that the marriage between the applicant and the non-applicant was performed on 29.06.2020 at Bhadrawati, District Chandrapur. The applicant is also residing at Bhadrawati. After marriage, she resumed the cohabitation at the house of the present non-applicant, but there was a rift between both of them, and therefore, the relationship was broken and she constrained to reside at her parent's house. She has also filed the Domestic Violence proceeding which

is pending in the Court of Judicial Magistrate First Class, Bhadrawati and now the non-applicant has preferred the Marriage Petition No.A-411/2021 which is pending in the Family Court, No.3, Nagpur. The non-applicant is already attending the proceeding at Bhadrawati, therefore, no prejudice will be caused to him if it is transferred to the Court of Civil Judge Senior Division, Warora. He submitted that the distance between Bhadrawati to Nagpur is more than 100 Kilometers. The applicant is a young lady. There is nobody to escort her to attend the proceeding. Moreover, the non-applicant has not provided any maintenance or has not made any provision, and therefore, she is unable to incur the expenses towards the litigation. In view of that, the matter be transferred to Civil Judge Senior Division, Warora.

3. Despite the notice is served upon the non-applicant, he fails to appear after giving sufficient opportunity.

4. After hearing both the sides and on perusal of the documents on record it reveals that the applicant has filed an application under Section 12 of the Protection of Women from Domestic Violence Act bearing PWDV No.7/2021 which is pending in the Court of Judicial Magistrate First Class, Bhadrawati whereas the matrimonial petition filed by the non-applicant is pending in the Court of Family Court No.3, Nagpur. Admittedly, the distance between the

Nagpur to Bhadrawati is more than 100 Kilometers. Moreover, the non-applicant is already attending the proceeding at Bhadrawati and therefore, no prejudice will be caused to him. It is now well settled that while considering the transfer application in matrimonial proceedings, the convenience of the wife is to be looked into. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The matrimonial proceeding No. A-411/2021 pending in the Court of Family Court No.3, Nagpur is hereby withdrawn and transferred to the Civil Judge Senior Division, Warora, District Chandrapur for disposal.
- (iii) The applicant and non-applicant shall remain present before the Civil Judge Senior Division, Warora, District Chandrapur on **04.03.2025**.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)