

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

MISC. CIVIL APPLICATION (TR.) NO. 134 OF 2025

Prajakta Amol Wandhare alias Prajakta Devendra Shastrakar

Vs.

Amol S/o Ranjan Wandhare

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

Court's or Judge's orders

Ms D.C. Kamwani, Advocate h/f Shri Y.A. Kullarwar, Advocate for applicant
Shri Inamul Haque, Advocate with Shri A.A. Khwaja, Advocate for non applicant

CORAM : SMT M.S. JAWALKAR, J.

DATE : 21.04.2025

Heard learned Counsel for the petitioner and
learned Counsel for respondent.

2. Petitioner seeks transfer of pending Petition No. A/652/2024 (Amol Ranjan Wandhare Vs. Prajakta Amol Wandhare). Though she has referred, in prayer Clause, that it is a divorce proceeding, however, it appears that it is petition under Section 9 for Restitution of Conjugal Rights.

3. It appears that petitioner is having one year child out of the said wedlock. It would not be possible for her to travel from Chandrapur to attend the matter at Nagpur Family Court. She has also filed the proceeding under the Protection of the Women from Domestic Violence Act, 2005, (for short 'the PWDV' Act) vide Application No. 40/2024, on 12/03/2024 before 2nd Joint Civil Judge Junior Division, Chandrapur.

4. Considering this fact definitely applicant may suffer inconvenience to attend the matter at Family Court, Nagpur. Whereas, respondent would require to attend Chandrapur, proceeding under the PWDV Act.

5. Learned Counsel for respondent submitted that the petitioner has suppressed the fact that matter is for the Restitution of Conjugal Rights and not for divorce. However, there is no substance in this contention as copy of petition under Section 9 for the Restitution of Conjugal Rights is placed on record. As such, there is some error in prayer clause. Accordingly, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) Petition A/652/2024 (Amol Ranjan Wandhare Vs. Prajakta Amol Wandhare), pending on the file of Family Court No. 3, Nagpur, is hereby withdrawn and transferred to the Court of CJSD, Chandrapur.
- (iii) Learned Principal Judge, Family Court, Nagpur, is hereby requested to facilitate the transfer.
- (iv) Parties to appear before learned CJSD, Chandrapur, on 10/06/2025.
- (v) Interim order stands vacated.

(SMT M.S. JAWALKAR, J.)