

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

MISC. CIVIL APPLICATION (TR.) NO.220/2025

Hasina Begum Javed Khan Vs. Javed Khan Moh. Saheb Jan Khan

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

Court's or Judge's orders

Ms Parita Lakhani, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 07.05.2025

Heard learned Counsel for applicant. Inspite of service, none for the respondent, even after granting fair opportunity of hearing.

2. The present application is filed for transfer of Regular Civil Suit No.44/2023 filed by the non-applicant husband for Restitution of Conjugal Right in the Court of learned Civil Judge Junior Division, Ballarpur, to the learned Civil Judge Junior Division, Kelapur at Pandharkawada. The distance between Ballarpur to Kelapur is around 150 kms.

3. The marriage between applicant and non-applicant was solemnized on 12.05.2014. She is having one son aged 9 years. Due to matrimonial disputes between the parties, the applicant has filed petition under the Domestic Violence Act before the learned Judicial Magistrate First Class, Kelapur bearing PWDVA No.23/2017, which came to be allowed by order dated 15.02.2020. The applicant also filed execution proceeding bearing PWDVA Darkast No.03/2020, which is pending before the Judicial

Magistrate First Class, Kelapur. Non-applicant filed Regular Civil Suit No.44/2023 on 08.11.2023.

4. The learned Counsel for petitioner submitted that the applicant is in continuous fear of humiliation and physical assault at the hands of non-applicant and his family members causing disturbance in her mental health.

5. In view of this background, already proceedings are pending at Kelapur and in view of the facts that it would not be convenient for the applicant to attend the proceedings at Ballarpur. As such, it would be appropriate to transfer Regular Civil Suit No.44/2023 pending on the file of Civil Judge Junior Division, Ballarpur to Civil Judge Junior Division, Kelapur. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) Regular Civil Suit No.44/2023 pending on the file of learned Civil Judge Junior Division, Ballarpur is hereby withdrawn and transferred to Civil Judge Junior Division, Kelapur at Pandharkawada.
- iii) Learned Principle Judge, Ballarpur, is hereby requested to facilitate the transfer.

The Application is disposed of accordingly.

JUDGE