



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

MISC. CIVIL APPLICATION (TR) NO. 537 OF 2023

Pranali w/o Ashish Uke Vs Ashish Kumar s/o Premanand Uke

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

Court's or Judge's Order

Mr. Harshwardhan Chawhan, counsel for applicant.

Ms. Rashmi Dewani, counsel h/f Mr. S.T. Chavhan, counsel for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/01/2025.

1. By this application, the applicant/wife is seeking transfer of the matrimonial proceedings bearing Petition-A No. 1611/2021 pending before the learned Principal Judge, Family Court, Nagpur to Family Court, Bhandara.

2. It is the contention of the applicant that applicant and the non-applicant are the husband and wife. They got married on 24/02/2019. Thereafter, she was subjected for the ill-treatment, and therefore, she was constrained to leave the matrimonial house. The present non-applicant has filed the petition bearing Petition-A No. 1611/2011 before the Principal Judge, Family Court, Nagpur. She had also filed the application under the Protection of Women from Domestic Violence Act, 2005 bearing No. P.W.D.V.C. No. 07/2021, and the present non-applicant is already attending the said proceedings. The present non-applicant has also filed an appeal in the said matter. Thus, he is attending the proceedings at Family Court, Bhandara, and therefore, no

prejudice will be caused to the non-applicant if the matter is transferred to the Family Court, Bhandara.

It is further contended that the applicant is a lady who has to travel from Bhandara to Nagpur to attend the proceedings. Moreover, she has to take care of her old aged parents, and therefore, it will be inconvenient for her to attend the proceedings at Nagpur.

3. The said application is strongly opposed by the non-applicant on the ground that the petition before the Family Court is on the verge of conclusion. At this stage, if it is transferred, it would again prolong the matter. The applicant has to travel only 65 km; no convenience will be caused to her. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the entire record, it reveals that two proceedings are already pending in the Family Court, Bhandara, wherein the non-applicant is already attending the proceedings. Admittedly, the address of the applicant/wife shown as she is residing at Bhandara, and if this proceeding is kept here, she has to attend the proceedings, and she has to take care of her old aged parents also. It is in a catena of decisions it is considered that in matrimonial proceedings, the convenience of the applicant / wife is to be seen. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

a] The Misc. Criminal Application is **allowed**.

- b] The marriage Petition-A No. 1611/2021 is transferred from Family Court, Nagpur to Family Court, Bhandara.
 - c] The marriage petition-A No. 1611/2021 is hereby withdrawn from the file of the Principal Judge, Family Court, Nagpur and transferred to the Family Court, Bhandara.
 - d] Both the parties shall attend the proceedings before the Family Court, Bhandara on 01/02/2025.
5. The Misc. Criminal Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]