



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

MISC. CIVIL APPLICATION (TR.) NO.444 OF 2022

Pallavi w/o Pramod Ingole (prior to marriage Pallavi d/o Chetan Kharate)
Vs.
Pramod s/o Maruti Ingole

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

Court's or Judge's orders

Mr. P. H. Khobragade, appointed Counsel for the applicant.
Mr. M. P. Kariya, Counsel for the non-applicant.

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

1. By this application, the applicant is seeking transfer of the matrimonial proceedings bearing A-Petition No.542/2023 pending in the Court of Principal Judge Family Court, Belapur to the Family Court, Yavatmal on the ground that the distance between two places i.e. Yavatmal to Belapur is more than 400 Km. No provision is made by the non-applicant for maintenance to the applicant, and therefore, she is unable to incur the expenses towards the litigation. Another ground raised that there is nobody to escort the applicant to attend the proceedings at Bellapur and also one ground is that she has received threats from the non-applicant regarding the same, she has already filed a complaint which is registered as non-cognizable offence.

2. The said application is strongly opposed by the learned Counsel for the non-applicant on the ground that even the non-applicant has apprehension of his life if the matter is transferred to the Yavatmal. It is further submitted that the matter which is pending before the Family Court, Yavatmal is at the last stage i.e. at the verge of disposal and at the end the applicant appeared and thereafter, filed this application, therefore, this application deserves to be rejected.

3. Heard learned Counsel for both sides. Perused the application as well as the relevant documents, it reveals from the pleading of the applicant that the marriage between her and non-applicant was performed on 17.01.2021. The non-applicant is in the service at Metro Department (Railway), Andheri as an accountant. After marriage, she was harassed and ill-treated by the non-applicant and therefore, she constrained to leave the matrimonial house and now she is residing at Yavatmal. She has also filed the DV proceeding in the Court of Chief Judicial Magistrate, Yavatmal wherein the non-applicant is already attending the proceeding. The non-applicant has filed the petition for dissolution of marriage at Belapur. It is now well settled that while considering the transfer application, the inconvenience of the wife is to be looked into. Admittedly, the distance between the two places is more than 400 Km., the applicant has to attend the

proceeding from Yavatmal to Thane and for that purpose, she has to travel overnight to attend the proceeding. Moreover, it is apparent that there is nobody to escort her to attend the proceeding by visiting at Thane. The other petition is already proceeding in the Court of Chief Judicial Magistrate, Yavatmal and one complaint under Section 498-A read with Section 34 of the Indian Penal Code is also filed at Yavatmal and the proceeding is going on in the Court of Yavatmal. As far as the threats are concerned, both sides have alleged to each other as to the threats are received from each other. The applicant has also filed complaint to that extent which is registered as non-cognizable offence. Nothing is on record to show that the non-applicant has made any provision for her maintenance to attend the proceeding and therefore, admittedly, she is unable to incur the expenses towards the litigation. As far as the ground raised by the non-applicant is concerned, he is having apprehension of his life which can be taken care of by permitting him to appear through video conferencing. 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 bearing A-Petition No.542/2023 pending in the Court of Principal Judge Family Court, Belapur be

transferred to the Family Court, Yavatmal for disposal.

(iii) Both parties shall appear before the Family Court, Yavatmal on **06.03.2025**.

(iv) The Family Court, Yavatmal shall consider the application of the non-applicant if he files for seeking permission to appear through video conferencing and shall make that facility available to the non-applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)