



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

MISC. CIVIL APPLICATION [TR] NO.331 OF 2025

[Smt. Kirti w/o Chetan @ Chintu Nichat .vs. Mr. Chetan @ Chintu s/o Rambhau Nichat]

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

Court's or Judge's orders

Shri A.D. Mhala, Advocate for Applicant.

Shri Varun Katare, Adv. h/f Shri M.S. Gupta, Advocate for Non-applicant.

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CORAM : PRAVIN S. PATIL, J.

DATED : SEPTEMBER 24, 2025.

1. By this application, applicant is seeking the transfer of Petition No.A-189/2014 pending on the file of Principal Judge, Family Court at Nagpur to the Civil Judge, Senior Division at Chandrapur.

2. It is the submission of the present applicant that she has already filed the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 for grant of protection and reliefs under Sections 18, 19, 20, 21 and 22. The said application is pending before learned Judicial Magistrate, First Class at Chandrapur and the non-applicant has put his appearance in the present matter and the said proceedings are going on. It is further pointed out that the son out of the wedlock is in the custody of the applicant and he is suffering from Phimosis. It is also pointed out that due to Phimosis, he was advised the surgery by the Pediatric Surgeon. Therefore, considering this peculiar facts and circumstances, it is not convenient for her to attend the proceeding at Nagpur. It is further alleged that the non-applicant is working in the

Red-bull Company in a sales department. As such, he is performing a field work and, therefore, he can attend the proceeding at Chandrapur.

3. Per contra, the non-applicant submitted that he is suffering from spondylosis and placed on record his medical certificate of the year 2025. According to him, due to medical reasons he is also find it difficult to attend the proceeding at Chandrapur. Hence, it will be convenient if the applicant attended the matter at Nagpur which is now posted for evidence.

4. I have heard both the counsel at length and considered their respective submission in the matter.

5. It is admitted fact that one proceeding filed by the applicant-wife is already pending before the learned Judicial Magistrate, First Class at Chandrapur. So also the son, who is of six years old, is suffering from the disease of Phimosis and, therefore, it is difficult for the applicant to attend the proceeding at Nagpur.

6. On the contrary, non-applicant is already attending the proceeding at Chandrapur. Furthermore it is not the case of the applicant that he is not in service in a Red-bull Company and not performing any job in the company.

7. In addition to this, now a days the video conferencing facility is available and it is not necessary to attend each and every dates in the matter if the Advocates are appointed by the parties. It is only when the court or Advocate requires the

attendance, then only the client has to attend the proceeding before the Family Court. Therefore, non-applicant can be permitted to attend the proceeding at Chandrapur through video conferencing and his attendance will be secured as and when the same was required in the matter pending before the learned Civil Judge, Senior Division, Chandrapur. Hence, considering the aspect of the matter, I am of the opinion that the end of justice will meet by passing the following order :

8. The Petition No.A-189/2024 (Mr. Chetan @ Chintu s/o Rambhau Nichat .vs. Smt. Kirti w/o Chetan @ Chintu Nichat) is transferred from the Principal Judge, Family Court, Nagpur to the Civil Judge, Senior Division at Chandrapur.

9. The learned Principal Judge, Family Court at Nagpur is requested to hand over/transfer the record of Petition No.A-189/2024 to the Civil Judge, Senior Division at Chandrapur.

10. The non-applicant is permitted to appear in the proceeding before the learned Civil Judge, Senior Division at Chandrapur through video conferencing and made available himself as and when required in the matter as per the order and directions of the court and cooperate to decide the matter expeditiously.

11. Hence, with this direction, the application is disposed of. No order as to costs.

(PRAVIN S. PATIL, J.)