



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

MISC. CIVIL APPLICATION NO. 470/2024

Karishma w/o. Praful Kalode Vs. Praful S/o. Jivan Kalode

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

Court's or Judge's orders

Mr. Sanket Bhalerao, Advocate for Applicant.

Mr. C. F. Bhagwani, Advocate for Non-applicant.

CORAM : MRS.VRUSHALI V. JOSHI, JJ.

DATED : 23/01/2025.

. The applicant has filed this application to seek transfer of the proceedings filed by the non-applicant vide Petition No.A/884/2021 pending before the Judge, Family Court No.3, Nagpur to the Civil Judge, Senior Division, Wardha.

2. The applicant is staying at Wardha. She has filed the petition under the Domestic Violence Act against the non-applicant at Wardha.

3. The learned Counsel for the applicant has stated that the applicant is housewife. The applicant is not doing anything, therefore, she cannot attend the Court at Nagpur. Though she has engaged the Counsel, the proceedings before the Court proceeded *ex parte* as she was unable to attend the Court along with her Counsel from Wardha to Nagpur. She has also filed the application to set aside the *ex parte* order. The application was allowed, but as she was unable to attend the Court, she could not file written statement and the matter was proceeded without written statement. She has not entered the witness box and now the matter is kept for final argument.

4. The learned Counsel for the applicant has stated that it took time to come to Nagpur from Wardha. She is having eight years old daughter and there is nobody to escort her from Wardha to Nagpur for attending the Court. Hence, prayed to transfer the petition which is pending before the Judge, Family Court No.3, Nagpur to the Civil Judge, Senior Division, Wardha.

5. The learned Counsel for the non-applicant has opposed the application stating that the matter before the Family Court i.e. Divorce Petition is pending for final argument. Though she appeared through her Counsel, she failed to file written statement and even after passing the order proceed without evidence, she has filed the application under Section 24 of the Hindu Marriage Act, 1955. He further stated that as the matter is at the fag end, requested to dismiss the application.

6. Heard both the learned Counsel.

7. Though the applicant has stated that the applicant is staying at Wardha and it will take time to reach at Nagpur and attend the proceeding before the Family Court, Nagpur, the matter is kept for final argument. She has not attended the earlier proceedings and the matter is proceeded without written statement and as the matter fixed for final argument, she has filed this application and the stay is granted in this application. She has to appear once for final argument through her Counsel before the Family Court.

8. Considering the distance and the stage of the proceedings, this is not a case to transfer the petition which

is pending before the Judge, Family Court No.3, Nagpur to the Civil Judge, Senior Division, Wardha.

9. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)