



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

MISC. CIVIL APPLICATION (TR.) NO.730 OF 2024

Siya @ Manju w/o Ritesh Ahuja
Vs.
Ritesh Rajkumar Ahuja

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

Court's or Judge's orders

Ms. Naziya S. Pathan, Counsel for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/01/2025

1. By this application, the applicant is seeking transfer of Hindu Marriage Petition No.A-198/2022 pending before the learned Family Court, Amravati to the Family Court, Nagpur.

2. Heard learned Counsel for the applicant. She submitted that the marriage between the applicant and non-applicant was performed on 28.04.2017, thereafter there was a discord between both of them and therefore, they started residing separately. After the applicant was driven out of the house, she had filed the petitions i.e. Criminal Misc. Application No.4014/2019 under Section 12 of the Protection of Women from Domestic Violence Act, Petition C No.33/2018 under Section 18 of the Hindu Marriage Act, one execution petition is also pending bearing No.113/2021 at Nagpur and Petition No.381/2019 was also pending at Nagpur now it is

already disposed of as withdrawn. She submitted that non-applicant is also resident of Nagpur as he was a temporary resident of Amravati, therefore, he filed the petition at Amravati. She submitted that the non-applicant has filed an affidavit of his assets and liabilities wherein he has shown his address of Nagpur. She submitted that non-applicant has not provided any maintenance or arrange any arrangement for the livelihood of the applicant and therefore, it is difficult for the applicant to incur the expenses towards the transportation and to attend the proceeding and to engage the Counsel, therefore, it is highly inconvenient for her to attend the proceeding at Amarvati. In view of that, the application be allowed.

3. Despite of the service on non-applicant, he failed to appear.

4. After perusal of the application and the submission of the learned Counsel for the applicant, it reveals that the various proceedings are pending at Nagpur and non-applicant is attended the said proceedings at Nagpur. It is now well settled that while considering the transfer petition, especially in matrimonial proceedings the convenience of the wife is to be looked into. Considering the fact that the several proceedings are pending at Nagpur and it would be appropriate to transfer the matrimonial proceeding filed by the non-applicant pending before

the Family Court, Amravati to Family Court, Nagpur. 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 Hindu Marriage Petition No. A-198/2022 pending before the Family Court, Amravati is hereby withdrawn and transferred to the Family Court, Nagpur for disposal.
- (iii) Both parties shall remain present before the Family Court, Nagpur on **11.02.2025**.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)