



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

MISC. CIVIL APPLICATION (TR) NO. 617 OF 2025

Mrs. Shital w/o Gokul Tayade
Aged about 33 years, Occ. At present
Jobless, R/o. C/o. Keshav Dhamedhar,
Vikas Nagar, At Post Patansanwangi,
Tah. Saoner, Dist. Nagpur.
At present R/o C/o Dnyaneshwar Naik,
Tulsipark Apartment, Dhaba Ring Road,
Nagpur

... Applicant

Versus

Mr. Gokul s/ Ataram Tayade
Aged about 34 years, Occ. Service,
R/o Lotus Residency, Flat No.101,
Near Kids Tiptop Convent,
Opposite Bhoslewadi, Shubhlakshmi
Nagar, Hingna, Nagpur and
C/o. Prakash Tayade, Railway Station
Road, Near Shivaji Maratha High School,
Hamalpura, Amravati – 444606.

... Non-applicant

Ms. Harsha M. Mehta, Advocate for applicant.

CORAM : PRAVIN S. PATIL, J.
DATE : 05.12.2025

ORAL JUDGMENT:

Heard Ms. Mehta, learned counsel for applicant.

(2) By way present application, the applicant is seeking the transfer of Petition No.A-55/2025 filed by the non-applicant before the Family Court, Amravati, to the Family Court at Nagpur. The submission of the present applicant is that out of wedlock, they have two children, one is of seven years another is of three years old. Both children are in the custody of the applicant. It is stated that she is taking all due care of the small children and looking after them at Nagpur.

(3) The applicant further submitted that she has already filed the proceedings for maintenance at Family Court, Nagpur, bearing Petition No.E-414/2024. In the said applicatin, she has specifically pointed out as to how she is facing a financial crisis and thereby in need of a regular maintenance from the present non-applicant. It is stated that non-applicant is regularly attending the said proceedings at Nagpur. In view of this, it is her submission that if the proceedings filed by non-applicant are transferred at Nagpur, it will be more convenient for her to attend the proceedings and no prejudice will be caused to the non-applicant, as he is already attending one of the proceedings at the Family Court, Nagpur.

(4) In the present matter, this Court issued notices to the non-applicant and the notice was duly served on the non-applicant. On his

initial instructions, Advocate D.G. Takwale, also appeared and stated that by taking instructions from the non-applicant he will file his Vakalatnama in the matter. However, today, he has stated that he is not in receipt of Vakalatnama nor any instructions from the non-applicant and therefore, he is unable to assist to this Court in the matter. As such, since Advocate D.G. Takwale did not file the Vakalatnama, there is no reason to grant hearing opportunity in the matter.

(5) In the present case, it is an admitted fact that the applicant-wife has filed the proceeding for the grant of maintenance on 03.09.2024. The notices of the said proceedings was duly served on the non-applicant. The record depicts the fact that after receipt of notice of the maintenance proceedings, he has filed the proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court, Amravati. Therefore, there is a substance in the submission of the applicant that, only to counterblast the submission of the present applicant, the said proceedings are filed at Amravati.

(6) It is also stated by the applicant that the non-applicant is regularly attending the proceedings at the Family Court, Nagpur. In the said proceeding, the hearing is also going on, on the application for interim

maintenance by considering the peculiar facts and circumstances of the case.

(7) In the present matter all the averments of applicant are remain un-controverted due to absence of non-applicant. The averments made in present application are on affidavit, hence, there is no reason to disbelieve the same.

(8) Applicant is required to take care of two minor children. Non-applicant is already attending one of the proceeding at Family Court, Nagpur without any demur. So, on transfer of proceeding from Family Court, Amravati to Family Court, Nagpur, no prejudice will cause to non-applicant. So also both the proceeding arising out of matrimonial dispute, hence, it will be better to try both the case by one Court. In my opinion, interference of this Court is necessary. Hence, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The proceedings filed by the non-applicant bearing Petition A-55/2025 pending before the Family Court, Amravati, are hereby transferred to the Family Court, Nagpur.

(iii) The Family Court, Amravati is directed to transfer the record and proceedings of Petition No.A-55/2025 to the Family Court, Nagpur.

(iv) The Family Court, Nagpur, is requested to decide the proceedings of maintenance and application for restitution of conjugal rights together by fixing the same dates in both matters so that it will be convenient for the non-applicant to attend the proceedings at Nagpur. No order as to costs.

[Pravin S. Patil, J.]

Prity