



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

MISC. CIVIL APPLICATION (TRANSFER) NO. 352 OF 2024

Smt. Asmita w/o Himalaya Choure (Chawre) ... APPLICANT

Versus

Himalaya s/o Rajhans Choure ... NON-APPLICANT

Mr. V. R. Borkar, Advocate for Applicant.
None for the Non-applicant.

CORAM : R. M. JOSHI, J.
DATE : JUNE 13, 2025.

ORDER

. Heard Mr. V. R. Borkar, learned Counsel for Applicant. None appeared for the Non-applicant, though served.

2. The Applicant is wife resident at Lohara, District Gondia. It is her claim that she has no independent source of income and that she is dependent on her parents for her survival. It is claimed that the Respondent/husband has filed proceeding under Section 9 of the Hindu Marriage Act, 1955 bearing Hindu Marriage Petition No. 379/2023 before the Civil Judge Senior Division, Bhusawal, District Jalgaon, which is at a distance of about 600 kilometers.

3. The learned Counsel for Applicant submits that if the Applicant is called upon to attend the said proceeding, prejudice will cause to her. Apart

from this, it is his submission that proceedings filed under the provisions of Protection of Women from Domestic Violence Act, 2005 against the Respondent/husband are pending in the Court at Gondia and as such, no prejudice will cause to the Respondent/husband, if the proceedings are transferred as prayed.

4. Absence of the Respondent/husband indicates that there is no inclination to oppose the Application. The contention of the Applicant has gone unchallenged. The distance between Bhusawal and Gondia is about 600 kilometers. This Court finds substance in the contention of learned Counsel that if the Applicant is called upon to attend the proceedings at Bhusawal, prejudice may cause to her to defence in the said proceedings. In any case, there is a proceeding filed by the wife against the husband under the Domestic Violence Act, which is pending in the Court at Gondia, and as such no prejudice will cause to the husband.

5. In view of above, Misc. Civil Application stands allowed in terms of prayer clause – (A) of the Application.

6. The Applicant is directed to ensure that the proceedings of Hindu Marriage Petition No. 379/2023 and the proceedings under Domestic Violence Act are kept on the same date.

7. Misc. Civil Application stands disposed of in above terms.

(R. M. JOSHI, J.)