



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

MISCELLANEOUS CIVIL APPLICATION (MCA) NO.358/2024

(Mayuri W/o Yashdeep Nimje Vs. Shri Yashdeep S/o Purushottam Nimje and others)

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

Court's or Judge's orders

Mr. N.V. Fulzele, Advocate for the applicant.
Mr. K.M. Shekhar, Advocate for the non-applicant.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 24.2.2025.

Heard.

2. The application is filed to transfer recovery suit i.e. Special Civil Suit No.17/2024 filed by the non-applicant/husband and his relatives against the applicant.

3. Learned Advocate for the applicant has stated that the matrimonial dispute is going on between the applicant and non-applicant No.1. The applicant has filed the proceedings under the Domestic Violence Act which are pending before the J.M.F.C. Court, Warora. The applicant is staying with her daughter, who is 2 years of age, at Warora and she is not doing any job. There is no source of income to the applicant. She has to attend the Court at Gondia with her small daughter which is not possible for her. Though the interim maintenance order is passed the non-applicant has not paid anything to the applicant. Considering the inconvenience caused to the applicant, she has prayed to transfer the matter which is pending before the Court at Gondia to the Court of Civil Judge, Senior Division, Warora.

4. Learned Advocate for the non-applicant has stated that the non-applicant No.1 is suffering from brain cancer and it is difficult for him to travel from Gondia to Warora. The applicant has filed the domestic violence petition against non-applicant No.1 and his family members. The applicant can travel to Gondia. Hence he has prayed to reject the application.

5. Heard both Advocates.

6. The applicant has filed this application to transfer the recovery suit filed by the non-applicant against the applicant. The applicant is staying with her daughter at Warora. The non-applicant is attending the divorce petition at Warora and it will be convenient for both of them to attend the matters at Warora, if dates are kept same. Hence the application is allowed. The matter which is pending before the Civil Judge, Senior Division, Gondia is transferred to the Court of Civil Judge, Senior Division, Warora Court. The Court at Warora to positively consider the request of the parties to keep the matters on the same date.

(MRS.VRUSHALI V.JOSHI, J.)