



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

MISCELLANEOUS CIVIL APPLICATION NO.719/2024

(Sau. Divya W/o Prashant Yadav Vs. Prashant S/o Mohanlal Yadav (Kutliya))

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

Court's or Judge's orders

Mr. N.L. Jaiswal, Advocate for the applicant.

Mr. Deepak S. Khushalani, Advocate for the non-applicant (through Video Conferencing)

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 23.1.2025.

Heard.

2. The applicant has filed this application to transfer the proceedings viz. Petition No.A/164/2024 pending before the Family Court, Nanded, which is filed by the non-applicant under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, to the competent Court at Achalpur, District Amravati.

3. The learned Advocate for the applicant submits that the applicant is staying at Paratwada and the non-applicant is staying at Nanded. The applicant has filed domestic violence proceedings in Achalpur Court. The distance between Nanded and Achalpur is about 400 kilometers and it is not possible for applicant to attend the Court at Nanded. The applicant has no source of income and she is staying at the mercy of her parents. As the applicant was unable to attend the Court, the custody of child was ordered to be handed over to the non-applicant in her absence and she has complied the said order. Now the child is staying with the non-applicant. Though the order was passed by the Court to hand over the custody of the child to applicant during the period of vacation, it was not complied by the non-applicant. As it is difficult for the applicant to attend the Court at Nanded and she cannot afford the traveling and

litigation charges at Nanded she has prayed to transfer the proceedings from Nanded Court to Achalpur Court.

4. The learned Advocate opposed the application stating that false statements are made by the applicant in her application. Though the child is studying at Nanded and staying with the non-applicant, the applicant has mentioned in the application that she cannot travel with the child who is staying at Paratwada. The learned Advocate for the non-applicant submitted that the applicant can very well attend the Court proceedings through video conferencing. Hence has prayed to reject the application.

5. Heard both Advocates and perused the record.

6. The counsel for applicant has pointed out that during the pendency of this application, the order of handing over the custody of child was passed and now the child is staying with the non-applicant and she has not made any false statement in her application.

7. The distance between Achalpur and Nanded is near about 400 kilometers. The applicant is not doing any work. She is not getting any maintenance from the non-applicant, hence it is difficult for her to travel to Nanded and she cannot afford the traveling and litigation charges at Nanded. Considering the distance it requires to stay at Nanded to attend the Court proceedings. Considering her financial condition, as there is no one to escort her from Paratwada to Nanded and in view of the convenience of applicant/wife, the application is allowed in terms of prayer clause (a).

(MRS.VRUSHALI V.JOSHI, J.)