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

MISC. CIVIL APPLICATION NO. 1007/2024

Ankita W/o Atul Purohit

...VERSUS...

Atul S/o Gopal Purohit

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders or directions
and Registrar's orders
Shri V.H. Pandey, Advocate for the Applicant(s)

CORAM:- M.S. JAWALKAR, J.
APRIL 17, 2025

. Though the learned Counsel for the Non-Applicant appeared on 18/02/2025, 04/03/2025, 18/03/2025, 25/03/2025, 03/04/2025 and last chance was granted to the Non-Applicant to file documents, there is neither any appearance on behalf of the Non-Applicant today nor the documents have been filed. Heard learned Counsel for the Applicant.

(2) The present Application is filed by the Applicant for transfer of Proceedings bearing Petition No. A-417/2024 (Mr. Atul S/o Gopal Purohit vs. Mrs. Ankita W/o Atul Purohit) pending on the file of learned Judge, Family Court, Nagpur to the file of learned Civil Judge Senior Division, Gondia.

(3) It is submitted that earlier the Applicant had filed DV Proceedings against the Non-Applicant and his family members, which was duly participated by them. However, to save her marriage, the Applicant had withdrawn the said Proceedings, and thereafter, started residing at Nagpur along with the Non-Applicant. In September, 2023, the Non-Applicant and his family members asked the Applicant to go back to Gondia by giving assurance that the Non-Applicant will come to Gondia to take her back. Despite the said assurance, the Non-Applicant did not come to take her back, and in April, 2024, she received a notice of the Family Court, Nagpur stating that the Non-Applicant has filed a Divorce Petition against her.

(4) Learned Counsel for the Applicant contends that the Applicant has no independent source of income and she is residing at the mercy of her brother and mother at Gondia. It is submitted that father of the Applicant has expired. If she is required to attend the Family Court, Nagpur frequently, she would face heavy hardship, as there is nobody else to support her. It appears that the Applicant has also filed Criminal Misc. Application bearing No. 349/2024 for maintenance which is pending before the learned Chief Judicial Magistrate, Gondia. It is further submitted that the Applicant met with an accident by falling

from the stairs at the house itself and was hospitalized from 28/11/2024 to 17/12/2024. Medical certificate to that effect is placed on record by the Applicant in which it is stated that she has suffered fracture and tibia and fibula bone are severely damaged.

(5) In view of the above backdrop, I am of the considered opinion that it would be difficult and inconvenient for the Applicant to attend the Proceedings at Family Court, Nagpur. Even otherwise, it is the settled law that while considering the Application for transfer of the Proceedings, convenience of wife is required to be taken into consideration.

(6) Accordingly, I pass the following order:-

(a) The Application is **allowed**.

(b) Proceedings bearing Petition No. A-417/2024 (Mr. Atul S/o Gopal Purohit vs. Mrs. Ankita W/o Atul Purohit) pending on the file of learned Judge, Family Court, Nagpur is hereby withdrawn and transferred to the file of learned Civil Judge Senior Division, Gondia.

(c) Learned Principal Judge, Family Court, Nagpur is requested to facilitate the transfer.

(d) The parties shall appear before the learned Civil Judge Senior Division, Gondia on 02/05/2025.

(e) Interim order to continue till 02/05/2025.

(f) The Application stands **disposed of**.

(M.S. JAWALKAR, J.)