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

MISC. CIVIL APPLICATION (TRANSFER) NO. 1046 OF 2024

Urwashi s/o Sameer Somani ... APPLICANT

Versus

Sameer s/o Ashok Somani ... RESPONDENT

Mr. V. A. Lohia, Advocate for Applicant.
None for the Respondent.

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

ORDER

. Heard Mr. V. A. Lohia, learned Counsel for the Applicant. None appeared for the Respondent, though served.

2. The Applicant is wife resident at Akola. 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 the provisions of Hindu Marriage Act, 1955 bearing Hindu Marriage Petition No. 956/2024 before the Civil Judge Senior Division, Pune, which is at a distance of 550 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 for annulment of marriage under Section 12(1)(a) of Hindu Marriage Act against the Respondent/husband are pending in the Family Court at Akola, 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 Pune and Akola is about 550 kilometers. This Court finds substance in the contention of learned Counsel that if the Applicant is called upon to attend the proceedings at Pune, 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 Hindu Marriage Act, which is pending in the Family Court at Akola 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 – (i) of the Application.

6. The Applicant is directed to ensure that the proceedings of Hindu Marriage Petition No. 956/2024 and the proceedings under the Hindu Marriage Act for annulment of marriage are kept on the same date.

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

(R. M. JOSHI, J.)