

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

MISC. CIVIL APPLICATION NO. 1050 OF 2024

Sau. Mahima W/o. Mahendra Moravkar

Vs.

Mahendra S/o. Raju Moravkar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. A. Modak, Advocate for applicant.

Shri Atul S. Joshi, Advocate (appointed) for non-applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 01.08.2025

Heard.

2. By the present application, the applicant is seeking transfer of HMP No. 981/2024 filed by the non-applicant/husband before the Civil Judge Senior Judge, Pune to Family Court, Yavatmal.

3. The contention is that, the applicant is pursuing education at Yavatmal. Apart from that, the proceedings filed by the applicant/wife under the provisions of the Domestic Violence Act, 2005 (for short, "the DV Act") and Section 125 of the Criminal Procedure Code (CrPC) are pending before the Judicial Magistrate First Class, Yavatmal and Family Court, Yavatmal respectively.

4. The application is opposed by the non-applicant/husband on the ground that even he will have

to travel the same distance if the petition is transferred from Pune to Yavatmal. According to him, if at all the petition is transferred, the non-applicant/husband shall be permitted to appear in the matter through Video Conferencing (VC).

5. Pendency of proceedings under the provisions of the DV Act and the CrPC before the Court of at Yavatmal is not disputed. The non-applicant/husband has to attend the said proceedings at Yavatmal and if the petition is transferred, he can even attend the proceedings through VC, with due permission of the Family Court at Yavatmal, if the said facility is available there.

6. Hence, a case is made out for transfer of HMP No. 981/2024 pending on the file of Civil Judge Senior Division, Pune to the file of Family Court, Yavatmal. In the said petition, the non-applicant may appear through VC with the permission of the Family Court at Yavatmal.

7. In the above said terms, the application is allowed.

8. The Secretary, High Court Legal Services Sub-Committee, Nagpur shall quantify the fees of the learned counsel appointed to represent the non-applicant.

(M. W. CHANDWANI, J.)