



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

MISC. CIVIL APPLICATION No.306 OF 2025

(Pragati w/o. Nageshwar Nikam Vs. Nageshwar s/o. Jagdish Nikam)

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

Court's or Judge's orders.

Mr. Sumit B. Gandhe, Advocate for applicant.
None for non-applicant.

CORAM : **R.M. JOSHI, J.**
DATE : **24th JUNE, 2025.**

1. None present for the non-applicant.
2. In spite of service of notice non-applicant is not present.
3. Applicant-wife claims that she is unemployed and she has responsibility of two years son. It is the claim of the applicant that non-applicant has filed proceeding bearing Petition No.A-10/2025 under Section under Section 13 of the Hindu Marriage Act, 1955 before the Family Court, Nashik. It is her contention that the distance between Nashik and Amravati where she is staying is around 500 Kms.
4. Learned counsel for the applicant submits that considering the fact that the applicant has no independent source of income and has responsibility of minor son, to call upon her to attend the proceedings before the Family Court at Nashik would cause prejudice to the applicant. It is his submission that in any case the husband is required to appear in the Court at Amravati in the proceeding filed by the

applicant under the Protection of Women from Domestic Violence Act, 2005 (in short, 'Domestic Violence Act') being Application No.250/2024.

5. Absence of non-applicant indicates that he has no interest in opposing the application.

6. Needless to say that the inconvenience of the wife needs to be considered over the inconvenience, if any, caused to the husband in case of transfer of matrimonial proceeding from one place to another.

7. The applicant's contention has gone unchallenged.

8. Having regard to the aforesaid facts, this Court finds substance and no reason not to accept the contention of the counsel for the applicant that if she is called upon to cause appearance before the Court at Nashik, prejudice may cause to her defence.

9. Hence, application stands allowed in terms of prayer clause (I).

10. In order to ensure that the non-applicant/husband is not harassed, it shall be responsibility of the applicant to ensure that the proceedings under the Domestic Violence Act and proceedings before the Family Court, Amravati shall taken up on the same date of hearing.

(R.M. JOSHI, J.)