



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

MISC. CIVIL APPLICATION (TR.) NO.925/2025

Mrs. Mohini Gajanan Pohokar
Age 34 years, Occ: Unemployed
R/o C/o Dipak Punjaji Pimpure
Ashwin Nagar-2, Near Gramsewak
Colony, Darwaha Tal. Darwaha,
Dist. Yavatmal.

... **APPLICANT**

...VERSUS...

Mr. Gajanan Ramkrushna Pohokar
Age 40 years Occ. Service
R/o Shivajinagar, Anjandaon Surji,
Tal. Anjangaon Surji, Dist. Amravati

...**NON-APPLICANT**

Shri R.R. Dawda, Advocate for applicant
None for non-applicant

CORAM : **PRAVIN S. PATIL, J.**

DATED : **06.02.2026**

ORAL JUDGMENT

Heard.

2. The applicant, by way of the present application, seeks transfer of the proceedings bearing M.C.A. No. 18/2025, filed by

the non-applicant/husband under Section 8 of the Hindu Minority and Guardianship Act, 1956, pending before the learned District and Additional Sessions Judge, Daryapur to District and Additional Sessions Judge, Darwah, District Yavatmal.

3. This Court, on 23.12.2025, issued notice to the non-applicant. Accordingly, as per the record, the applicant has effected service by way of private mode, in addition to the regular mode of service. However, none appeared on behalf of the non-applicant in the matter.

4. It is pointed out by the present applicant that, at an earlier point of litigation, when the husband had filed proceedings bearing HMP No. 124/2019 before the District and Additional Sessions Judge, Daryapur, the same were transferred by this Court, vide order dated 22.11.2021, to the District and Additional Sessions Judge, Darwah.

5. It is also pointed out that non-applicant is now attending the proceedings bearing HMP No.124/2019 before the learned Civil Judge Senior Division, Darwha.

6. It is the contention of the present applicant that, only with a view to harass the applicant, the non-applicant has filed the application under Section 8 of the Hindu Minority and Guardianship Act, 1956, before the District and Sessions Judge, Daryapur.

7. It is difficult for the applicant to travel from Darwah to Daryapur, which is the distance approximately 150 kilometers. So also, she is having custody of child. It is inconvenient for her to carry minor child for such distance on each date.

8. In the present case, non-applicant did not appear though served, all the averments made in the application, are remained uncontroverted. The applicant stated that all these facts are on affidavit. Therefore, there is no reason to disbelieve the contents made in the application.

9. In the circumstances, considering the facts that this Court earlier transferred one of the proceedings filed by non-applicant from Daryapur to Darwah, in my opinion, there is no

impediment to transfer the proceedings which is now filed by him at Daryapur to Darwah. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing M.C.A. No.18/2025 filed by respondent husband under Section 8 of the Hindu Minority and Guardianship Act, 1956, pending before the learned District and Additional Sessions Judge, Daryapur, is hereby transferred to the District and Additional Sessions Judge, Darwah.
- iii) The learned District and Additional Sessions Judge, Daryapur is directed to transfer the record and proceedings to the District and Additional Sessions Judge, Darwah.

10. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare