

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

3 MISC.CIVIL APPLICATION NO. 23 OF 2016

DR. SANDIP S/O MANCHAKRAO MALVE

VERSUS

SARIKA W/O DR. SANDIP MALVE

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Mr. Rajendra Deshmukh, Advocate for Applicant.

Mr. J.M.Murkute, Advocate for Respondent.

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CORAM : T.V.NALAWADE, J.

DATE : 11th AUGUST, 2016

ORAL ORDER :-

. The application is filed by the husband for transfer of P.A. No. 1315/2015 filed by the wife for divorce presently pending in the Family Court No. 2, Pune. Heard Both sides.

2. It is the case of the applicant/husband that he is medical practitioner and he runs one hospital at Gangakhed. It is his case that if he is required to go to Pune, his patients at Gangakhed will suffer. It is his contention that in respect of one incident, 2 F.I.R. were given in Gangakhed police station, one by the respondent/wife and another by himself and it is likelihood of filing case by the wife and in any case she is required to contest that matter at Gangakhed. He

submits that the parents of the respondent are resident of Gangakhed and hence no inconvenience would be caused to her.

3. Learned counsel for the respondent/wife submitted that the wife is doing post graduation course in Medicine in V.J.N.T. College at Pune and she is living in the hostel of that college. It is contended that the distance between Gangakhed and Pune is around 400 Kms. and as wife is 28 years of age, she may face problem in coming to Gangakhed to prosecute the matter. He submitted that the police has filed case only against the husband and not against wife and so it can not be said that wife will be required to go to Gangakhed.

4. In view of the aforesaid circumstances, this Court holds that to enable the wife to prosecute the matter and in view of her right given by Section 19 (iii) (a) of the Hindu Marriage Act, 1955, it is not desirable to transfer the matter from the Family Court, Pune to the Court of Civil Judge [Sr.Division], Gangakhed.

5. In the result, the application stands rejected. On the request of the parties, the trial Court is directed to expeditiously dispose of the divorce proceeding and preferably within 5 months from the date of receipt of the order of this Court.

[T.V.NALAWADE, J.]

