

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

903 MISC.CIVIL APPLICATION NO. 165 OF 2015

MRS. SEEMA W/O AMBADAS KHEDKAR  
VERSUS  
SHRI. AMBADAS S/O JAGANNATH KHEDKAR

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Shri. Rajendra B. Dhakane, Advocate, for applicant.

Shri. N.V. Gaware, Advocate, for respondent.  
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**CORAM: T.V. NALAWADE, J.**

**DATE : 1<sup>st</sup> APRIL 2016**

**ORDER:**

1) The application is filed for transfer of Hindu Marriage Petition No.128/2012 presently pending in the Court of the Civil Judge Senior Division Shrirampur, District Ahmednagar to the Court of the Civil Judge Senior Division Beed. Both the sides are heard.

2) It is the case of the wife that the aforesaid proceeding for divorce is filed by the husband against her. The distance between the place of her residence and the Court is about 158 kilometers. It is her case that she cannot afford to spend on conveyance, stay and attendant and every time she will be required to take at least one

attendant to Shrirampur considering her age. It is her case that she is not able to spend on these things and due to that she cannot contest the divorce proceeding effectively. She has contended that she has filed proceedings like proceeding under the Protection of Women from Domestic Violence Act, case under section 498A of the Indian Penal Code, proceeding under section 125 of the Code of Criminal Procedure and two more proceedings against the husband and they are pending in the Court from Shirur Kasar, District Beed. It is her case that the distance between Shirur Kasar and place of her residence is about 50 kilometers and she is required to attend those matters also.

3) Learned counsel for the husband submitted that that evidence of the husband is closed and the husband has examined one doctor to prove that the wife is mentally not sound and the husband was deceived. This Court is not considering the merits. It can be said that if the mental condition of the wife is not stable that can be one more circumstance for transfer of the present matter to the Court which is nearer to the place of the residence

of the wife. Care of the convenience of the husband can be taken by giving order to the trial Court of expeditious disposal of the matter. Further the husband has liberty to take appropriate steps for transfer of the aforesaid proceedings presently pending in the Court from Shirur Kasar to the Court from Beed so that all the matters are kept on the same date in the Courts from Beed and no inconvenience is caused to both the sides.

4) In the result, the application is allowed. The Hindu Marriage Petition No.128/2012(Ambadas Jagannath Khedkar v. Sima Ambadas Khedkar) is withdrawn from the Court of the Civil Judge Senior Division Shrirampur and is transferred to the Court of the Civil Judge Senior Division Beed. The new Court is to dispose of the matter expeditiously and in any case within six months from the date of receipt of the record from the present Court. The parties to appear before the new Court on 22nd April 2016. The new Court to see that the wife cooperates in the hearing and expeditious disposal of the matter.

**(T.V. NALAWADE, J. )**

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