

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**40 MISC.CIVIL APPLICATION NO.65 OF 2019**

SONIYA VISHAL VISHWAKARMA  
VERSUS  
VISHAL STYANARAYAN VISHWAKARMA

...  
Advocate for Applicant : Mr. Telgaonkar Uttam L.  
Advocate for Respondents :Mr. U.S. Patil

...

**CORAM: ROHIT BABAN DEO, J.**

Date: JANUARY 14<sup>th</sup>, 2020

...

**PER COURT :-**

1 This application is preferred by the wife, seeking transfer of the proceedings initiated by the non-applicant husband from Thane to Aurangabad.

2 The averments made in the application have gone unchallenged in the absence of an affidavit in response. However, the learned counsel for the non-applicant husband is objecting to transfer on the ground that the applicant is awarded maintenance in the proceedings initiated at Aurangabad. In rebuttal, the learned counsel for the petitioner asserts that despite the order granting maintenance, the non-applicant husband is not making the payment of the interim maintenance.

3 The applicant wife has initiated proceedings at Aurangabad under section 125 Cr.P.C. and under the provisions of the Protection of Women from Domestic Violence Act. In any event the non-applicant husband shall have to attend the said

proceedings at Aurangabad.

4 I have considered the averments in the application which have gone unchallenged. The applicant wife asserts that she would find it extremely inconvenient to attend the proceedings at Thane which is at a distance of 500 kilometers from Aurangabad. The applicant asserts that she has no family member to support her or who would escort her to Thane. Lack of finance is also put forth as a justification for seeking transfer.

5 In view of the uncontroverted averments, I am inclined to allow the application in terms of prayer clause 'B' which reads as under:-

"B) Marriage Petition A-476/2017 may kindly be withdrawn for the file of Family Court Thane and be transfer to Family Court Aurangabad."

6 The transferee Court is requested to decide the matrimonial disputes expeditiously and in any event within one year of the receipt of record and proceedings. The parties would do well to assure that all the three proceedings are fixed on the same date, as far as possible.

**(ROHIT BABAN DEO, J)**