

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

41 MISC.CIVIL APPLICATION NO.170 OF 2019

VISHAKHA KISHOR JADHAV
VERSUS
KISHOR PRABHAKAR JADHAV

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S
Advocate for Respondents : Mr. Deshpande Chaitanya C.
...

CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 14th, 2020
...

PER COURT :-

1 This application is preferred by the wife, seeking transfer of HMP No. 131/2019 instituted by the non-applicant husband at Vasai to Nanded.

2 Although there is no affidavit in response filed on behalf of the non-applicant, the learned counsel for the non-applicant is seriously objecting to the transfer. The learned counsel would submit that the father of the applicant is a retired Policeman and therefore, the non-applicant apprehends threat to personal safety if the matter is transferred to Family Court, Nanded.

3 There is no material to indicate that 67 years old father of the applicant shall pose threat to the person of the non-applicant husband if the matter is transferred to Nanded. The applicant has a nine years old child to look after. The applicant contends

that there is no adult member to escort her to Vasai since 67 years old father is not in a position to undertake the travel.

4 The distance between Nanded where the applicant is residing and Vasai is approximately 600 kilometers. I am satisfied that the applicant has made out a case for transfer of the proceeding.

5 The application is allowed in terms of prayer clause 'B' which reads thus:-

" B) By allowing this Misc. Civil Application, the Marriage Petition No.131/2019 pending before the learned Civil Judge, Senior Division at Vasai may kindly be directed to be transferred to the Family Court at Nanded. "

6 The transferee Court is requested to decide the HM Petition expeditiously.

7 The parties shall appear before the Family Court at Nanded on 17.2.2020.

(ROHIT BABAN DEO, J)