

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

54. MISC. CIVIL APPLICATION NO. 208 OF 2019

Jyoti W/o Vaijnath Gaikwad	... <u>Applicant</u>
<u>VERSUS</u>	
Vaijnath S/o bhaguji Gaikwad and another	... <u>Non-applicants</u>

Mr. S.B. Munde, Advocate for applicant

CORAM : ROHIT B. DEO, J.

DATE : 22nd January, 2020

PER COURT :

1. Heard Shri Munde, learned Counsel for the applicant.
2. None appears on behalf of the non-applicants.
3. None appeared on behalf of the non-applicants on 13th January 2020. However, since the application was called out in the extended Court hours on 13th January 2020, the hearing was adjourned.
4. The averments in the petition have gone unchallenged since there is no affidavit in response. The applicant-wife has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, which are pending before the Judicial Magistrate F.C., Parbhani. The non-applicant has instituted the petition for dissolution of marriage at Ahmednagar, which is at a distance of

approximately 350 Kms. from Parbhani.

5. The applicant contends that her father is not keeping well and there is no other male member in the family to escort her to Ahmednagar. The applicant contends that she has no relative in Ahmednagar and considering that she is deserted and is residing with her father at Parbhani, it would be extremely inconvenient to attend the proceedings at Ahmednagar.

6. It is further submitted that the applicant also initiated criminal prosecution against the non-applicant-husband at Parbhani.

7. In view of the averments in the application, which have gone uncontroverted, I am satisfied that the case for transfer of the proceedings from the Court of the Civil Judge (S.D.), Ahmednagar, to the Court of the Civil Judge (S.D.), Parbhani, is made out.

8. The application is allowed.

9. Hindu Marriage Petition No. 130/2018 pending before the Civil Judge (Senior Division), Ahmednagar, be transferred to the Civil Judge (Senior Division), Parbhani.

(ROHIT B. DEO)
JUDGE