

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

924 MISC.CIVIL APPLICATION NO.115 OF 2020

**HARSHA KRUSHNA GAVHAD
VERSUS
KRUSHNA ABASAHEB GAVHAD**

...
Advocate for Applicant : Mr. Shrikant G. Kawade
Advocate for Respondents : Mr. Sandip Rathod
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 13.07.2021**

PC.:-

This is an application under Section 24 of the Code of Civil Procedure for transfer of HMP No.138/2020 pending before the Court of learned C.J.(S.D.) Buldhana, District Buldhana to Family Court Jalna.

2. Facts giving rise to this application are that the applicant married respondent in the year 2011. Their marriage is on the rocks. Therefore, respondent filed petition for divorce under Section 13 (i) (i a) of the Hindu Marriage Act, 1955 against the petitioner. This petition bears no.138/2020 and the same is pending before the learned C.J.(S.D.), Buldhana, District Buldhana. The applicant is the resident of Jalna, therefore, she is seeking transfer of HMP No.138/2020 to Family Court, Jalna.

3. Respondent has not filed any reply to this petition.
4. Heard Shri Kawade learned counsel for the applicant and Shri Rathod learned counsel for the respondent.
5. Shri Rathod submits that father of the respondent has suffered paralytic attack owing to which the respondent cannot leave him alone. He has to take care of his old and ailing father and mother. He further submits that applicant is living at Jalna in row house of the respondent. She can very well come to Buldhana. He, therefore, prayed for rejection of the application.
6. No document is placed on record to show that father of respondent has suffered paralytic attack. Therefore, this contention of the respondent has gone unsubstantiated. Even if it is accepted for the sake of arguments that father of the respondent has suffered paralytic attack, still it will have no effect on the merits of this application. Respondent is working at Navha, Taluka and District Jalna and is residing at Deulgaonraja. Both Shri Kawade and Shri Rathod agree that the distance between Navha and Deulgaonraja is 25 kms. This clearly shows that respondent is daily commuting from Deulgaonraja to Navha i.e. the school in which he is working as a Teacher. Petition for divorce is pending at Buldhana. Respondent will have to go to Buldhana from Deulgaonraja. Both the parties agree that

Deulgaonraja is closer to Jalna than Buldhana. Therefore, it will be convenient for respondent also if the petition pending at Buldhana is transferred to Jalna.

7. Having regard to this, I deem it appropriate to allow this application. In this view of the matter, following order is passed:

ORDER

- I) Application is allowed.
- II) H.M.P. No.138/2020 is transferred from the Court of C.J.(S.D.), Buldhana to the Family Court, Jalna.

[M.G. SEWLIKAR, J.]