

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

925 MISC.CIVIL APPLICATION NO.12 OF 2020

**SANGITA GAJANAN MUTALWAR
VERSUS
GAJANAN SANTAJI MUTALWAR**

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Advocate for Applicant : Mr. Boinwad Omgashad B.

Advocate for Respondent : Mr. Dambe Santosh S.

CORAM : MANGESH S. PATIL, J.

DATE : 08.10.2021.

PER COURT :

This is an application under Section 24 of the Code of Civil Procedure. The applicant who is wife of the respondent is seeking transfer of a divorce proceeding instituted by him and pending in the Court of the Civil Judge Senior Division at Aurangabad to Family Court at Parbhani.

2. I have heard the learned advocates for both the sides.

3. As can be seen from the record, there is no dispute as regards pendency of three proceedings between the parties, two at Parbhani and one at Aurangabad. Even otherwise the respondent will have to defend the proceedings which are pending at Parbhani, one under the Protection of Women from Domestic Violence Act and the other for maintenance under Section 125 of the Code of Criminal Procedure.

4. Apart from the convenience aspect, the applicant has two minor children. She is in an employment at Parbhani. It would certainly be inconvenient for her and even at times impossible to come down to Aurangabad to defend the divorce proceeding. There is no strong reason for the respondent husband not to go to Parbhani even to attend the divorce

proceeding if it is transferred.

5. Considering all the aspects, by taking necessary precaution to avoid any hardship being caused to the respondent by transfer of the proceeding from Aurangabad to Parbhani, the application deserves to be allowed.

6. The Application is allowed. Hindu Marriage Petition No. 165/2018 pending before Civil Judge Senior Division Aurangabad is transferred to the Family Court at Parbhani.

7. All the Courts taking up various matters between the parties at Parbhani shall, as far as possible, list all these matters on same date.

(MANGESH S. PATIL, J.)

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