

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

MISC.CIVIL APPLICATION NO.25 OF 2020

**SARIKA MAHESH MASKE
VERSUS
MAHESH ANNASAHEB MASKE**

...
Advocate for Applicant : Mr. Vikram S. Undre
Advocate for Respondent sole : Mr. A. U. Chandel

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CORAM : MANGESH S. PATIL, J.

DATED : 21 JULY 2022

PER COURT :

Heard learned advocates of both the sides.

2. The applicant wife is seeking transfer of divorce proceeding initiated by the respondent – husband pending in the court at Civil Judge Senior Division, Pune to the court of Civil Judge Senior Division, Bhoom, Dist. Osmanabad.

3. The learned advocate for the applicant submits that the applicant has two year old daughter. Since after couple got separated, she has been staying at Para- Kallamb Road, Para, Taluka Washi, District Osmanabad. The respondent has instituted a divorce proceeding in the court at Pune. It is difficult for her to commute between the two places which are 260 Kms. apart. She has no source of income. She was successful in getting an order for

payment of maintenance by instituting a proceeding in the court at Bhoom. The respondent has challenged that order and the appeal is pending before the court at Bhoom and prosecuting that appeal by coming down to Bhoom. Even if the matter is not transferred as prayed his ordeal will not abate. Instead, if the matter is transferred, he can prosecute both the matters in the court at Bhoom.

4. Learned advocate for the respondent strongly opposes the request. He submits that there is no impediment for the applicant to defend the proceeding by going to Pune.

5. At the outset, it is necessary to mention that there is no dispute about the fact that the applicant has been staying at Para- Kallamb Road, Para, Taluka Washi, District Osmanabad, since after the couple got separated. A two year old daughter born out of the wedlock is in her custody. The order for maintenance in her favour passed in a proceeding under the Protection of Women from Domestic Violence Act, 2005 has been challenged by the respondent in a court at Bhoom. Instead of making both of them to commute between Pune and Bhoom, it would be appropriate that both the matters remain at one place. A possible hardship to the respondent can be obviated by taking necessary precaution by directing the courts at Bhoom to take the matters on the same date.

6. The application is allowed.
7. The proceeding bearing Hindu Marriage Petition No.1450 of 2019, pending on the file of the Civil Judge Senior Division, Pune is transferred to the court of the Civil Judge Senior Division at Bhoom, District Osmanabad for decision in accordance with law.
8. All the courts taking up different matters between the parties at Bhoom shall, as far as possible, list all these matters on the same date.
9. Parties shall appear before the Civil Judge Senior Division, Bhoom on 06.08.2022 and there shall be no need for that court to issue any notice to them.

(MANGESH S. PATIL, J.)