

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

998 MISC.CIVIL APPLICATION NO.48 OF 2022

**HARSHALI VIVEK PATIL
VERSUS
VIVEK VASANT PATIL**

...

**Advocate for Applicant : Mr. P. R. Harshal
Advocate for Respondent : Mr. M. G. Patil**

...

AND

999 MISC.CIVIL APPLICATION NO.49 OF 2022

**HARSHALI VIVEK PATIL
VERSUS
VIVEK VASANT PATIL**

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**Advocate for Applicant : Mr. P. R. Harshal
Advocate for Respondent : Mr. M. G. Patil**

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 20/10/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant – wife has filed these two applications. In MCA No.48 of 2022 she has claimed transfer of HMP No.1754 of 2021, which has been filed by respondent husband for getting divorce, from the court of Civil Judge (Senior Division), Pune to the Family Court, Jalgaon. Whereas in MCA No. 49 of 2022 the applicant wife is claiming transfer of Civil Miscellaneous Application No. 800 of 2021, which has been filed by respondent husband for getting custody of minor daughter, from the court of

concerned District Judge, Pune to the court of concerned District Judge, Jalgaon.

3. The learned counsel for the respondent-husband in both these applications strongly opposed the aforesaid prayers.

4. However, it appears that the applicant - wife has filed proceeding against the respondent-husband and his relatives under the provisions of Protection of Women from Domestic Violence Act, 2005 in the court of concerned JMFC, Jalgaon, wherein interim maintenance of Rs.25,000/- per month for applicant and her daughter is already granted. The order of maintenance has been challenged by the respondent-husband before the Sessions Court, Jalgaon and the appeal is going on. Besides, the applicant-wife has also filed petition for restitution of conjugal rights against the respondent-husband at Family Court, Jalgaon and the husband has appeared there.

5. It is important to note that the distance between Jalgaon and Pune is of 420 Kms. The applicant-wife is not having any independent source of income and her 8 years daughter is also residing with her. Moreover, the respondent husband is attending the dates at Jalgaon. In view of the same, the matters filed by respondent - husband in both these applications can be conveniently transferred to courts at Jalgaon. Hence, following order is passed.

ORDER

- (i) Both the applications are hereby allowed.

- (ii) The HMP No.1754 of 2021 pending in the court of Civil Judge (Senior Division), Pune is transferred to Family Court, Jalgaon for its simultaneous disposal with Marriage A- Petition No.68 of 2021 filed by the applicant-wife therein.
- (iii) The Civil Miscellaneous Application No. 800 of 2021 filed by the respondent in the court of District Judge, Pune is also transferred to the Court of District Judge, Jalgaon for disposal according to law.
- (iv) The respondent is directed to appear before aforesaid concerned courts on 28th November 2022. The respondent husband is at liberty to seek convenient dates from the aforesaid concerned court at Jalgaon.
- (v) The applications are disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)