

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

985 MISC.CIVIL APPLICATION NO.82 OF 2022

ROHINI AKSHAY KHARTUDE
VERSUS
AKSHAY HANUMAN KHARTUDE

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Mr. Shrikant G. Kawade, Advocate for the applicant.
Ms. Divya Attri, Advocate holding for Mr. Anand D. Wange,
Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Heard the rival submissions. The applicant-wife is seeking transfer of Petition A-No. 112 of 2021 filed by respondent for getting divorce, from the Family Court, Bandra, Mumbai to the court of Civil Judge (Senior Division), Osmanabad.

2. The respondent has strongly opposed the application by filing reply and contended that he is having difficulty in walking due to pains in left hip region and therefore, he is advised to take rest. He has also produced on record medical certificate to that effect.

3. However, it appears that the applicant – wife has no source of income. Moreover, she has already filed two proceedings against the respondent at Kalamb, District Osmanabad; one under the Protection of Women from Domestic Violence Act and the other under Section 498-A of I.P.C. Further, the distance between Bandra and Osmanabad

is around 430 kms, and therefore, it is highly difficult for the applicant to attend the dates at Bandra. On the contrary, the problem of respondent regarding the difficulty in walking will not last long and he may recover in the near future. The Hon'ble Apex Court has already observed that in the transfer matters the convenience of wife is to be seen first. As such, when there are two proceedings already going on in Osmanabad District against the respondent, the proceeding at Bandra can be transferred to Osmanabad considering the convenience of the applicant wife. Accordingly, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Petition A- No.112 of 2021 is hereby transferred from the Family Court, Bandra to the Court of Civil Judge (Senior Division), Osmanabad for its disposal according to law.
- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Osmanabad on or before 16th January 2023.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)