

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

971 MISC.CIVIL APPLICATION NO.44 OF 2022

ROHINI ABHILASH GORE
VERSUS
ABHILASH VILAS GORE

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Advocate for Applicant : Mr. Menezes Joslyn A.
Advocate for Respondent : Mr. A. I. Deshmukh h/f Mr. V. T. Patil

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/11/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant is seeking transfer of Marriage Petition No.27 of 2021 filed by respondent husband for getting divorce from the court of learned CJSD Basmath to Family Court Aurangabad.
3. The learned counsel for the applicant submits that the applicant has lodged an FIR under Section 498A of IPC against respondent. Further, she has also filed DV proceeding against the respondent at Aurangabad wherein the respondent has appeared. He further pointed out that the respondent has challenged the order of interim maintenance granted to the applicant by the concerned Magistrate in DV proceeding, before the learned Sessions Court, Aurangabad and it is pending. The applicant has also filed appeal against the said order of maintenance for enhancement. He pointed out that the distance between

Aurangabad and Basmath is of 220 Kms. and it would be difficult for applicant to attend each and every date of the proceeding at Basmath since she has to maintain her four years son also.

4. On the contrary, the respondent has resisted the application by filing affidavit in reply contending that the applicant herself left his company by giving him threats. According to him, the applicant is serving as a nurse and getting salary around Rs.35,000 to 40,000/- per month. The learned counsel for the respondent submits that since the applicant is an earning lady, she can very well attend the dates at Basmath.

5. To the reply of respondent the applicant has filed affidavit in rejoinder thereby she has denied the fact of getting such salary as contended by the respondent.

6. It is significant to note that the respondent husband is already appearing in the matters filed by the applicant at Aurangabad. Moreover, he is also in arrears of maintenance as pointed out by the learned counsel for the applicant. Basmath is 220 Kms. away from Aurangabad and therefore, it would be difficult for the applicant wife to attend the dates at Basmath specially when she has to maintain her four years son. On the contrary, the respondent is Police Constable and considering the fact that he is already appearing in the proceeding at Aurangabad the applicant wife would suffer from greater hardship than him if she is asked to attend the dates at Basmath, District Hingoli. Considering all these facts, following order is passed.

ORDER

- a) Application is hereby allowed.
- b) The Marriage Petition No.27 of 2021, pending in the court of CJSD, Basmath, District Hingoli is hereby transferred to Family Court, Aurangabad for disposal according to law.
- c) The respondent is directed to appear before Family Court Aurangabad on or before, 19/12/2022.
- d) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)