

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

954 MISC.CIVIL APPLICATION NO.115 OF 2022

**PRIYANKA NIKHIL PANDE ALIAS PRIYANKA BHANUDAS
AGHADATE AND ANOTHER
VERSUS
NIKHIL GANESHRAO PANDE**

...
Advocate for Applicants : Mr. Anant D. Gadekar
and Ms Anita A. Gadekar

...
CORAM : SANDIPKUMAR C. MORE, J.

DATE : 29.09.2022

PER COURT :

Heard learned counsel for the applicant -wife. The respondent -husband despite service, remained absent. In fact, the record shows that the respondent had refused to claim the envelope containing notice sent to him by Speed Post. Therefore, he is treated as served.

2. The applicant -wife is seeking transfer of Marriage Petition No. A-1332/2021 pending before the learned Principal Judge, Family Court, Nagpur, which has been filed by the respondent for getting divorce from her.

3. The learned counsel for applicant submits that the applicant is residing at Aurangabad and having no source of income. She has also a 16 months' son from the respondent. Moreover, Nagpur is situated at the distance of 550 kms. from Aurangabad and therefore, it is highly

difficult for the applicant to attend dates of proceedings at Family Court, Nagpur. Further, she has also filed petition before the Family Court, Aurangabad for restitution of conjugal rights bearing Petition No.A-201/2022 and also Misc. Cri. A. No.160/2022 for getting maintenance under Section 125 of the Code of Criminal Procedure.

4. Under such circumstances, the petition filed by the husband at Family Court, Nagpur can be conveniently transferred to the Family Court, Aurangabad for proper adjudication of the dispute between rival parties. Hence, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-1332/2021 pending before the learned Principal Judge, Family Court, Nagpur is hereby transferred to the learned Principal Judge, Family Court, Aurangabad for its simultaneous disposal along with the Petition No.A-201/2022 and also Misc. Cri. A. No. 160/2022 filed by the applicant pending therein.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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