

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

963 MISC.CIVIL APPLICATION NO.67 OF 2022

**PRIYANKA PRADEEP WAGHMARE
VERSUS
PRADEEP PANDHARI WAGHMARE**

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Mr. S.V. Janakwade, Advocate for the applicant.
Mr. R.G. Nuste, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07.10.2022.

ORDER:-

1. Heard the rival submissions. The applicant - wife is seeking transfer of Hindu Marriage Petition No.351/2018 filed by her husband respondent for getting divorce in the Court of Civil Judge (Senior Division) at Pune, to the Court of Civil Judge (Senior Division) at Nanded.

2. The learned Counsel for the applicant – wife submits that the applicant is not having any independent source of income and she is also having four years old son begotten out of the aforesaid wedlock. Moreover, she has also filed two proceedings at Nanded; one is proceeding under Domestic Violence Act at Mudkhed and other is Hindu Marriage Petition for restitution of conjugal rights at Nanded. He pointed out that respondent husband has already appeared

in both these matters. Further, Nanded is situated at a distance of 600 kms from Pune.

3. On the contrary, learned Counsel for the respondent - husband strongly opposed the application on the ground that the applicant – wife can claim cost of litigation and travelling charges as per the provisions of Hindu Marriage Act, if she has to appear in the aforesaid Hindu Marriage Petition at Pune.

4. However, it is significant to note that the respondent – husband has already appeared in the aforesaid two proceedings initiated by applicant – wife at Nanded and Mudkhed and he is attending the dates there. The applicant – wife is not having any independent source of income and she is also having four years old son from respondent husband. Considering all these aspects, it would be more convenient for applicant than the respondent husband if the Marriage Petition at Pune is transferred to Nanded. Hence, following order is passed.

ORDER

- (i) Application is hereby allowed
- (ii) HMP No. 351/2018 pending in the Court of Civil Judge (Senior Division) at Pune is hereby transferred to the Court of Civil

Judge (Senior Division) at Nanded for it's simultaneous disposal with HMP No.119/2020 filed by the applicant and pending therein.

- (iii) The respondent husband is directed to appear before the Court of learned Civil Judge (Senior Division), Nanded on 9th November 2022.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)