

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

936 MISC.CIVIL APPLICATION NO.164 OF 2022

**SHARADDHA SAMEER PAWAR ALIAS SHARADDHA AJINATH
VITKAR
VERSUS
SAMEER CHANDRAKANT PAWAR**

...

**Advocate for Applicant : Mr. R. R. Karpe
Advocate for Respondent : Mr. Vicky Sharma**

...

AND

937 MISC.CIVIL APPLICATION NO.165 OF 2022

**SHARADDHA SAMEER PAWAR ALIAS SHARADDHA AJINATH
VITKAR
VERSUS
SAMEER CHANDRAKANT PAWAR**

...

**Advocate for Applicant : Mr. Y. H. Lagad h/f Mr. R. R. Karpe
Advocate for Respondent : Mr. Vicky Sharma**

....

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

P. C. :

1. The learned counsel Mr. Vicky Sharma causes appearance on behalf of respondent and also tendered Vakalatnama. Taken on record.

2. Stand over to 08/12/2022.

3. Later on the learned counsel for the respondent intends to file affidavit in reply and also argue the matter. The learned counsel

Mr. Y. H. Lagad, holding for Mr. R. R. Karpe, learned counsel for the applicant, has no objection if such reply is filed and matter is argued today itself. As such, the reply is taken on record. Copy is supplied to other side.

4. Heard rival submissions.

5. In MCA No. 164 of 2022 the applicant wife is seeking transfer of Petition A No.1640 of 2020 filed by the respondent for getting divorce from the learned Family Court Bandra to the court of learned CJSD, Shrigonda, District Ahmednagar and in MCA No. 165 of 2022 is filed by the applicant for transferring proceeding under Domestic Violence Act PWDVA No. 16 of 2019 from the court of learned JMFC, Washi to the court of JMFC, Jamkhed, where she is residing.

6. The learned counsel for the applicant pointed out that the applicant is not having any independent source of income. Moreover, despite order of grant of interim maintenance, the respondent husband has not paid any amount to the applicant and he is in arrears around Rs.3 lacs. Further according to him the distance between Jamkhed and Mumbai is such that the applicant being a lady cannot travel without any help or financial assistance. As such, he prayed that both the applications be allowed.

7. On the contrary, the learned counsel for respondent husband strongly opposed both the application by filing reply today itself. He pointed out that the applicant herself had initiated DV proceedings

against the respondent at Vashi since she is having her aunt residing there. According to him the DV proceeding is about to be disposed of within short period since the matter is at the stage of argument only. He also pointed out that the respondent husband has already paid amount of Rs.1,20,000/- in Vashi Court being the part of maintenance amount. He pointed out that the applicant can attend the dates of divorce proceeding at Bandra since she can temporarily resides at her aunt's place at Vashi.

8. It is significant to note that though the applicant has prayed for transfer of D.V. proceeding from Vashi to Jamkhed, but it appears from the submissions that the said proceeding is at final stage and can be disposed of within a month. Therefore, considering the fact that the applicant can temporarily resides at the place of her aunt at Vashi and the said proceeding cannot be transferred at such fag end. Moreover, certain condition of paying travelling charges to the applicant by the respondent can be imposed.

9. So far as the proceeding at Family Court Bandra is concerned it will take time to dispose finally and therefore, no such condition of paying travelling charges to the applicant can be imposed. On the contrary, considering the distance between Jamkhed and Mumbai it would be appropriate to transfer that proceeding from Bandra to Shrigonda considering the convenience of applicant. In view of the same following order is passed.

ORDER

- a) The MCA No. 164 of 2022 is hereby allowed and Petition A NO.1640 of 2020 pending in Family Court Bandra is hereby transferred to the Court of learned court of CJSD, Shrigonda, District Ahmednagar.
- b) The applicant is directed to cooperate with the respondent for disposal of the aforesaid petition for divorce by not seeking unnecessary adjournments.
- c) The learned Civil Judge (S.D.), Shrigonda is directed to dispose the aforesaid petition as early as possible.
- d) Accordingly MCA No.164 of 2022 stands disposed of.
- e) The MCA No. 165 of 2022 is hereby rejected with direction to the respondent husband to pay travelling charges at the rate of Rs.2,000/- per date to the applicant wife for attending the dates of PWDVA No. 16 of 2019 till its final disposal. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)