

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

MISC. CIVIL APPLICATION NO.64 OF 2020

Mrs. Anuja w/o Ajinkya Ganechari = **APPLICANT**
(Orig. Respondent)

VERSUS

Mr. Ajinkya s/o Nagnath Ganechari = **RESPONDENT**
(Orig. Petitioner)

Mr. Abhijeet A. Pimpalwadkar, Advocate for Applicant;

Mr. Vijay V. Deshmukh, Advocate h/for Mr. D.J. Patil,
Advocate for Respondent

CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 3rd March, 2022.

PER COURT :-

1. By this application, under Section 24 of the Code of Civil Procedure, the applicant-wife has prayed for transfer of petition No.A-217/2019 from the file of Family Court at Solapur to the file of Family Court at Aurangabad.

2. Facts, in brief, are as follows, -

a. The applicant and respondent were married on 6.6.2017 at Radhakrishna Mangal Karyalaya, Gajanan Mandir Road, Aurangabad. After the marriage, the couple cohabited for some time. Thereafter, there were frequent quarrels and disputes amongst them. It is the contention of

the applicant-wife that somewhere in the month of September 2017, she conceived, but the respondent-husband and her mother-in-law compelled her to consume certain medicines due to which there was a miscarriage. The atrocities and harassment continued at the hands of the respondent-husband and his mother. Father of the applicant died due to severe heart attack on 22.11.2017. Despite such tragedy in the house of the applicant, the respondent or his mother neither enquired about the health of her father nor did they visit Aurangabad.

b. Even during the period of Dhonda festival on 4th June, 2018, when the applicant and her parents visited the respondent's house at Solapur and gifted him certain items, they were not received properly and were abused by the respondent and her in-laws. Since the respondent had deserted the applicant and as she does not have sufficient and independent source of income, she filed a proceeding under Section 125 of Cr.P.C. in the Family Court at Aurangabad. However, the respondent has also filed a petition for divorce in the Family Court at Solapur under Section 13(ia) and (ib) of the Hindu Marriage Act, 1955.

c. The applicant finds it difficult to attend the court at Solapur. Being a female, she has to face tremendous

hardship all the way to travel from Aurangabad to Solapur to attend the court proceeding which has distance of 300 kms.

3. I heard learned Counsel for the parties for some time.

4. Even if by way of an affidavit in reply on behalf of the respondent all the averments in the application have been specifically denied by the respondent-husband, yet, the learned counsel is fair enough to orally submit, on instructions, that he has no objection to grant the prayer of the applicant and the petition filed by the respondent in the Family Court at Solapur may be transferred to the Family Court at Aurangabad.

5. Such gesture of the respondent needs to be appreciated.

6. As such, the application is allowed in terms of prayer clause (C).

7. The proceedings bearing Petition No.A-217/2019

pending on the file of Family Court at Solapur be transferred at Family Court at Aurangabad.

8. In order to save the time and also for the convenience of the respective parties, it is directed that all the matters including the application under Section 125 of Cr.P.C., preferred by the applicant against the respondent, shall be fixed on common dates by the concerned Court/s.

9. The learned Judge, Family Court, Aurangabad shall make all endeavours to decide and dispose of the proceedings as expeditiously as possible.

(PRITHVIRAJ K. CHAVAN, J.)

BDV