

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

957 MISC.CIVIL APPLICATION NO.57 OF 2022

ANJALI KULDIP HIRDE
VERSUS
KULDIP EKNATH HIRDE

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Advocate for Applicant : Ms. More Shubhangi D.
Advocate for Respondent : Ms. Anita D. Gadekar-

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

P. C. :

1. Heard rival submissions. The applicant wife is seeking transfer of HMP No. 29 of 2022 filed by the respondent husband for getting divorce from her from the court of learned CJSD Shrigonda to the court of learned CJSD, Osmanabad.

2. The learned counsel for the applicant submits that the applicant is not having any independent source of income and residing at the mercy of her parents. The applicant has also filed HMP No. 137 of 2020 for the restitution of conjugal rights against the respondent, which is pending in the court of CJSD, Osmanabad, wherein the respondent has appeared. The other proceeding in form of private complaint under Section 498A of IPC filed by the applicant is also pending in the court of JMFC, Kalamb, District Osmanabad and in that proceeding the respondent has not appeared. Further, it is contended by the applicant that the distance between Shrigonda and Osmanabad is

of 190 Kms. and therefore, it would be highly difficult for her to attend dates at Shrigonda.

3. On the contrary, the learned counsel for respondent husband strongly opposed the application and she pointed out from the reply of respondent that how the applicant harassed the respondent. It appears that the respondent had claimed that there is no financial constraint to the applicant since her father is doctor by profession.

4. It is significant to note that the respondent husband has already appeared in one of the proceedings which the applicant wife has filed against him at Kalamb, District Osmanabad and in the court of learned CJSD, Osmanabad. Further, it appears that the proceedings filed by the applicant wife are earlier than the proceeding filed by respondent at Shrigonda. The applicant is not having independent source of income and therefore, considering her convenience, it would be appropriate to transfer the petition of husband from Shrigonda to Osmanabad. Hence following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The HMP No.29 of 2022 pending in the Court of CJSD, Shrigonda is transferred to CJSD Osmanabad for its simultaneous disposal alongwith the HMP NO.137 of 2020 filed by the applicant therein, according to law.

- (iii) The respondent is directed to appear before CJSD, Osmanabad on or before 19/12/2022.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)