

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

951 MISC.CIVIL APPLICATION NO.83 OF 2022

**CHAITALI SACHIN BANDEWAR
VERSUS
SACHIN DILIPRAO BANDEWAR**

...
Advocate for Applicant : Ms Karishma Sanjay S. h/f.
Mr. Bora Satyajit S.

Advocate for Respondent : Mr. Mahesh K. Bhosale
and Antosh N. Pawde

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

DATE : 29.09.2022

PER COURT :

Heard rival submissions. Also perused the documents on record. The applicant -wife is seeking transfer of Petition No. A-2668/2021 filed by the respondent -husband against her in the Family Court at Pune to the Family Court, Nanded.

2. The learned counsel for the applicant -wife submits that the aforesaid marriage petition is filed by the husband for taking divorce in Family Court, Pune, which is almost 500 kms. away from the place of residence of applicant at Nanded. Further, her parents are not of sound financial position and she also not having any independent source of income. She submits that normally it takes 3 days to go to Pune from Nanded and to return back which is not possible for the applicant. The learned counsel for the applicant -wife further

submits that though the summons was served upon the applicant in respect of the aforesaid proceeding in February- 2022, but due to financial constraint she could not attend the dates at Pune. Further according to her, the parents of respondent -husband are also residents of Nanded and he can conveniently come to Nanded for attending the dates of proceeding, if transfer to Family Court, Nanded.

3. On the contrary, the learned counsel for respondent-husband strongly opposed the submissions made on behalf of the applicant-wife. He pointed out that in the divorce petition before the Family Court, Pune the respondent -husband has raised a ground for divorce as the applicant -wife is suffering from mental illness. He submitted that the wife while residing at Pune was under treatment of three doctors and therefore, it could be easier for him to establish the allegations made in the said divorce petition. He relied upon order of this Court dtd.06.07.2022 in Misc. Civil Application No. 252/2021, wherein this Court had inclined in favour of petitioner -husband and allowed that application by awarding subject amount to the wife for attending the dates of proceeding in that matter. The learned counsel for the respondent has also made a statement that the husband herein is ready to provide expenses to the applicant -wife for attending dates of the proceeding at Pune.

4. Admittedly, there is no issue to the parties. However, the distance between Nanded and Pune appears to be of 500 kms. and when the respondent -husband is claiming that the applicant is of unsound mind then how he can expect that a single lady of unsound mind can travel to attend the date of proceeding at Nanded and Pune for 3 days. No doubt, she can bring an attendant with her for the said purpose, but her parents are also of old age. Further, even though the husband is ready to bear certain expenses but considering the health of applicant -wife in the instant matter, it would not be proper to issue direction to that effect.

5. The order dtd.06.07.2022 which was relied by the respondent -husband indicates that the distance between the places in that case was only of 110 kms. and therefore, this Court might have partly allowed the same. In the instant matter, it is not feasible for the applicant wife to attend the dates of the proceeding at Pune. Moreover, it is extremely important to note that the parents of the respondent are also residing at Nanded and therefore, comparatively it would be easier for respondent -husband to attend the dates at Nanded than the applicant -wife going to Pune.

6. Considering all these aspects, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-2668/2021 filed by the respondent - husband pending in the Family Court at Pune is transferred to the Family Court at Nanded.
- (iii) The respondent -husband is directed to appear before the Family Court at Nanded on 17.10.2022.
- (iv) Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-