

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 MISC. CIVIL APPLICATION NO.19 OF 2021

JYOTI SANDIP PAWAR
VERSUS
SANDIP UTTAMRAO PAWAR

...
Advocate for Applicant : Me. Raje Vikrant P.
Advocate for the respondent : Mr. Harshal Prakash Randhir
...

CORAM : MANGESH S. PATIL, J.

DATE : 15 JULY 2022

PC :

Heard learned advocates for both the sides.

2. This is an application under section 24 of the Code of Civil Procedure. The applicant is wife of the respondent and praying for transfer of the divorce proceeding initiated by him and pending at Pune to a Court at Dhule.

3. There is no dispute about the fact that the applicant has been staying in Dhule since after the dispute had occurred between the couple. There is also no dispute about the fact that she has a minor child. The distance between Dhule and Pune is around 350 Km. The petition filed by her for restitution of conjugal rights at Dhule was dismissed and the appeal is pending before the District Court at Dhule.

4. Though it is submitted on behalf of the respondent that the applicant is in employment and has been commuting between Dhule

and Dondaicha which places are around 50 Km apart, the fact remains that she will have to continue to travel to Pune to defend the divorce proceeding in spite of being in employment and has to commute between Dhule and Dondaicha. It would not be appropriate to expect her to continue to indulge in such commutation between three different places.

5. Learned advocate for the respondent also submits that the respondent perceives that there would be a physical harm to him if he goes to Dhule. Already a police complaint was lodged way back in 2017. However, even according to the respondent, no such incident has been occurred or reported thereafter.

6. Apart from the above state-of-affairs coupled with the fact that minor children is in custody of the applicant, it would be like expecting too much of the applicant to continue to attend the divorce proceeding by travelling to Pune.

7. The application is allowed.

8. Hindu Marriage Petition no. 2020 of 2019 pending in the Court of Civil Judge Senior Division, Pune is transferred to the Family Court, Dhule for decision in accordance with law.

9. The parties shall appear before the Family Court, Dhule on 30 July 2022.

10. All the Courts taking up different matters between the couple at Dhule, shall, as far as possible, list all the matters on the same day.

[MANGESH S. PATIL]
JUDGE

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