

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC CIVIL APPLICATION NO. 106 OF 2022

PUJA ANUBHAV DHOLE
VERSUS
ANUBHAV BHAGWAN DHOLE

...
Advocate for Applicant : Mr. A.S. Savale
Advocate for Respondent : Mr. A.D. Gade
....

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th November, 2022.

PER COURT :

1. Heard rival submissions.

2. The applicant/wife is seeking transfer of Marriage Petition No. A-5 of 2022 filed by the respondent/husband and pending in the Family Court, Jalna to the Court of Civil Judge Senior Division, Nashik. The aforesaid petition is filed for restitution of conjugal rights.

3. The learned Counsel for the applicant submits that, the distance between Nashik and Jalna is of 250 Km and the applicant without having any independent source of income cannot attend the dates of proceeding at Jalna. He further

submits that, the applicant has also taken out the proceeding against the respondent/husband in the Court of J.M.F.C., Nashik road, under the provisions of Protection of Women from Domestic Violence Act, 2005 and respondent/husband had already appeared there.

4. On the contrary, the learned Counsel for the respondent/husband strongly opposed the application by filing affidavit-in-reply and other necessary documents. He pointed out that, the respondent has also sent money order to the applicant for meeting the expenses to attend the dates at Jalna. However, the amount appears to be only of Rs.500/-. He further pointed out that, he is also ready to bear all the expenses of the applicant which she would incurred in attending the dates of the petition at Jalna. He also pointed out that, the matter at Jalna is at the stage of evidence and therefore, it cannot be conveniently transferred as claimed by the applicant.

5. It is significant to note that, the applicant/wife is not having any independent source of income and for that purpose she has already filed proceeding under Domestic

Violence Act against the respondent bearing Criminal Miscellaneous Application (P.W.D.V.A.) No. 17 of 2022. Though the proceeding at Family Court, Jalna is at the stage of evidence but since the respondent has already appeared before the concerned Magistrate in D.V. Act, he will have to attend further dates of the said proceeding anyhow. Further, the distance between Nashik and Jalna is of 250 Km and therefore, even if the expenses of travelling are borne by the respondent then also it would be difficult for applicant / wife especially being lady. Therefore, considering all these circumstances and the fact that the respondent will have to attend the dates of the D.V. proceedings at Nashik, the a petition No. A-5 of 2022 pending in Family Court, Jalna can be conveniently transferred to Nashik, hence following order is passed :

ORDER

- a. The application is hereby allowed.
- b. The Petition No. A-5/2022 pending in the Family Court, Jalna is hereby transferred to the Court of Civil Judge, Senior Division, Nashik for disposal

according to law.

- c. The respondent / husband is directed to appear before the concerned Court of Civil Judge, Senior Division, Nashik on or before 6th December, 2022.
- d. The application accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE