

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

MISC.CIVIL APPLICATION NO.116 OF 2019

**AMRAPALI VIKRAM DIVEKAR
VERSUS
VIKRAM SURYABHAN DIVEKAR**

. . .

Advocate for Applicant : Mr. Bipinchandra K. Patil h/f. Mr. R. U. Hanwate
Advocate for Respondent : Mr. Nitin Tribhuwan

. . .

CORAM : MANGESH S. PATIL, J.

DATED : 27 JUNE 2022

PER COURT :

Heard learned advocates of both the sides.

2. The petitioner – wife is seeking transfer of divorce proceeding instituted against her by the respondent – husband pending on the file of Family Court at Thane to the Family Court at Aurangabad.

3. Admittedly, since after the matrimonial dispute, the applicant has been staying in Aurangabad, which is her parental house. She has instituted a proceeding under the Protection of Women from Domestic Violence Act 2005 at Aurangabad against the respondent. She has also filed the F.I.R. under section 498A etc. of the Indian Penal Code at Aurangabad. She claims to be a house wife having no source of income. As against this, the respondent is in a regular employment.

4. Considering the aforementioned facts and circumstances, which have gone uncontroverted, when the respondent will have to come down to Aurangabad, even if the present matter is not transferred, when the couple of other proceedings are pending at Aurangabad, he will not face greater hardship, if the divorce proceeding is transferred to Aurangabad. As against this, in spite of being a women, the applicant will have to commute between Thane and Aurangabad to defend the divorce proceeding and the distance between the two places is stated to be 500 kms.

5. Application is allowed as prayed for.

6. The proceeding bearing Hindu Marriage Petition No. A-528 of 2018, pending in Family Court at Thane is transferred to the Family Court at Aurangabad.

7. The parties shall appear before the Family Court at Aurangabad on 06 August 2022.

8. All the courts taking up different matters between the parties at Aurangabad shall, as far as possible, list all these matters on the same date.

(MANGESH S. PATIL, J.)