

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

1006 MISC.CIVIL APPLICATION NO.155 OF 2022

MOHINI AMOL SONAWANE
VERSUS
AMOL SAMPAT SONAWANE

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Advocate for Applicant : Mr. Lagad Yogesh Hanumant
Advocate for Respondent : Mr. Shivnath Dattatraya Bhagwat

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

P. C. :

1. Heard rival submissions.

2. The applicant wife is seeking transfer of HMP No. 445 of 2019 pending on the file of CJSD Pune, which has been filed by the respondent - husband for grant of divorce to the court of CJSD, Shrigonda.

3. The learned counsel for the applicant - wife submits that the wife has also filed three proceedings against the respondent husband. One is under Section 125 of Cr.P.C. and the other is under the provisions of Protection of Women from Domestic Violence Act, 2005 and both are pending before the concerned Magistrate at Shrigonda, District Ahmednagar. The third proceeding filed by the applicant - wife is under Section 9 of Hindu Marriage Act for restitution of conjugal rights and it is pending before learned CJSD, Shrigonda. Significantly, the respondent

husband has appeared in all these proceedings and attending the dates regularly.

4. On the contrary, the learned counsel for the respondent – husband strongly opposed the application by filing affidavit in reply. According to him the applicant should have filed this application before the Principal Seat of this court at Bombay since the petition sought to be transferred is pending in Pune Court. He further submits that the distance between Shrigonda and Pune is not of 160 Kms. as claimed by the applicant but it is only 140 Kms. Moreover, the applicant can claim the cost of litigation and travelling expenses, if she has to attend the court at Pune.

5. However, it appears that the respondent husband has not provided any amount for maintenance to the applicant- wife. Moreover, she is also not having any independent source of income to maintain herself. Though the petition which is sought to be transferred is pending in the court at Pune, but the applicant wife is residing under the jurisdiction of this court and in so many other matters, the proceedings coming under the jurisdiction of Principal Seat of Bombay, have already been transferred in the courts under the jurisdiction of this Bench in view of Section 24 of CPC. Further, it is extremely important to note that respondent husband is also attending the dates of the proceedings filed by the applicant wife in the concerned courts at Shrigonda. As such, by considering the convenience of applicant wife, following order is passed.

ORDER

- I) The application is hereby allowed and the HMP No. 445 of 2019 presently pending in the court of CJSD, Pune is hereby transferred to court of CJSD, Shrigonda, for its simultaneous disposal according to law with HMP No. 121 of 2019 filed by the applicant wife therein.
- II) The respondent husband is directed to appear before the court of CJSD, Shrigonda on 12/12/2022.
- III) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)