

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

MISC.CIVIL APPLICATION NO.52 OF 2021

POOJA RAHUL GUNJAL
VERSUS
RAHUL KISHOR GUNJAL

...

Advocate for Applicant : Mr. Prabhakar N. Nagargoje

Advocate for Respondent : Mr. Mahendra G. Kochar

...

CORAM : MANGESH S. PATIL, J.

DATE : 05.07.2022

PER COURT :

Learned advocate for the applicant makes a statement pursuant to the order dated 08.02.2022 that the applicant is not ready to go for mediation.

2. Heard both the sides finally.

3. The applicant happens to be the wife of the respondent and is seeking transfer of a divorce proceeding instituted by him in a court of Mehakar District Buldhana to the court at Ambajogai, District Beed.

4. The applicant has specifically averred that she has been staying with her parents at Ambajogai. She has lodged three proceedings against the respondent which are pending at Ambajogai, one under the Protection of Women from Domestic Violence Act, one for maintenance under Section 125 of the Code of Criminal Procedure and has lodged a criminal case under Section 498-A of the Indian Penal Code. She has further averred that she has a five years old son. Considering the distance between the two places, it

is highly inconvenient and difficult for her to defend the divorce proceeding by commuting between the two places.

5. Her averments have not been traversed by the respondent by filing any response.

6. The only grievance made by the learned advocate for the respondent is the fact that in spite of his readiness to resume cohabitation, the applicant has not been cooperating. He is ever ready even for mediation but she is not cooperating. She is also not attending the proceedings which she has initiated at Ambajogai even though he has been remaining present in all these proceedings.

7. It is a matter of record that though the respondent had filed a petition for restitution in the year 2019, the applicant had subsequently filed the aforementioned three proceedings against him at Ambejogai. It is thereafter that he has filed a divorce proceeding. Admittedly, he has been going to Ambajogai to attend all these proceedings initiated by her as against which, even if this application is rejected, she will have to commute between Ambajogai and Mehakar. Instead of making both of them to commute between the places, it would be, in the facts and circumstances of the case appropriate that all the matters are conducted at same place.

8. The Application is allowed. The Hindu Marriage Petition No.47/2020 pending on the file of learned Civil Judge, Senior Division Mehakar, District Buldhana is transferred to the Court of Civil Judge, Senior Division, Ambajogai, District Beed for decision in accordance with law. The

parties shall appear before that Court at Ambajogai on 30.07.2022. All the courts taking up different matters between the parties at Ambajogai shall as far as possible list all these matters on the same date.

9. The learned advocate has been appointed through the legal aid to represent the respondent. His fees is quantified at Rs.2000/-.

(MANGESH S. PATIL, J.)

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