

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

944 MISC.CIVIL APPLICATION NO.138 OF 2019

**REKHA BAGHWAN GAIKWAD
VERSUS
BAGHWAN BHAUSAHEB GAIKWAD**

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Advocate for Applicant : Mr. Rajendra N. Chavan h/f.
Mr. Bagdiya Vishal A.

Advocate for Respondent : Mr. Kadu Shivraj B.

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.10.2022

PER COURT :

Heard rival submissions.

2. The applicant -wife is seeking transfer of HMP No.106/2018 pending in the Court of learned Civil Judge Senior Division, Kopargaon, Dist. Ahmednagar to the learned Family Court at Aurangabad.

3. The learned counsel for the applicant submits that the applicant has also filed proceedings under the Provisions of Protection of Women from Domestic Violence Act, 2005, against the respondent -husband at Aurangabad wherein notices are already served and the husband and his relatives are yet to appear.

4. On the contrary, the learned counsel for the respondent-husband strongly submitted that the distance between Aurangabad and Kopargaon is only 100 kilometers and the applicant can very well seek cost of litigation and conveyance charges if she attends proceeding at Kopargaon. In the alternative, he submits that if the application is allowed, liberty may be granted to the respondent - husband to seek for convenient dates in both the proceedings at Aurangabad.

5. It is significant to note that anyhow the respondent -husband will have to attend the dates of D.V. proceedings at Aurangabad and therefore, for proper adjudication of the dispute between the parties, it would be more convenient for them if the Hindu Marriage Petition pending at Kopargaon is transferred to Aurangabad. Further, the liberty can be granted to respondent husband to seek convenient dates for both the proceedings at Aurangabad. In view of the same, following order is passed :-

ORDER

- (i) The application is hereby allowed.
- (ii) The Hindu Marriage Petition No.106/2018 pending in the Court of learned Civil Judge Senior Division, Kopargaon, District Ahmednagar is transferred to the learned Family Court

at Aurangabad.

- (iii) The respondent -husband is directed to appear before the Family Court, Aurangabad on 14.11.2022.
- (iv) The respondent -husband is at liberty to seek for convenient dates for the aforesaid Hindu Marriage Petition and also for the proceedings under Domestic Violence Act going on before the concerned Magistrate at Aurangabad.
- (v) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-