

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

964 MISC.CIVIL APPLICATION NO.166 OF 2021

SNEHAL SAGAR MOHITE ALIAS SNEHAL GAJINATH PAWAR
VERSUS
SAGAR MACHINDRANATH MOHITE

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Advocate for Applicant : Mr. Y. H. Lagad h/f Mr. Rahul R. Karpe
Advocate for Respondent : Mr. S. S. Kotkar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/11/2022.**

P. C. :

1. The learned counsel for the respondent tendered across the bar the short affidavit in reply. Taken on record.
2. Heard rival submissions.
3. The applicant wife is seeking transfer of HMP No. 1070 of 2019 filed by the respondent husband for getting divorce, from the court of CJSD Pune to CJSD Nevasa.
4. The learned counsel for the applicant submits that the applicant has also filed one HMP No. 190 of 2018 under Section 9 of Hindu Marriage Act in the court of CJSD Nevasa wherein the respondent husband has already appeared. He further points out that distance between Pune and Nevasa is around 170 Kms. and therefore, it is highly difficult for the applicant wife to attend the dates at Pune. He also pointed out that the respondent is in arrears of Rs.75,000/- towards the maintenance of the applicant.
5. On the contrary, the learned counsel for the respondent under the affidavit in reply strongly opposed the application on the

ground that the applicant herself left the company of respondent within only three months of the marriage. He pointed out that all the witnesses in the proceeding at Pune are resident of Pune itself and it will be difficult for respondent husband to adduce evidence if the matter is transferred to Nevasa.

6. It is to be noted here that the applicant is not having any independent source of income and the respondent husband has not paid any amount of maintenance to her. Moreover, he is in arrears of Rs.75,000/- towards the maintenance amount. As such, the applicant would suffer from greater hardship than the respondent if the proceedings are allowed to be continued at Pune. On the contrary, the proceeding filed by the husband and the proceeding filed by applicant wife are to be heard together for proper adjudication. In view of the same, following order is passed.

ORDER

- A) The application is hereby allowed.
- B) The HMP No. 1070 of 2019 pending in the Court of CJSD, Pune is hereby transferred to the Court of CJSD, Nevasa for its simultaneous disposal alongwith HMP No.109 of 2018 filed by the applicant therein.
- C) The respondent is directed to appear in the court of CJSD, Nevasa on 20/12/2022.
- D) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)