

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

MISC.CIVIL APPLICATION NO.175 OF 2021

ANJALI NIKHIL PIMPALGAONKAR
VERSUS
NIKHIL AVINASHRAO PIMPALGAONKAR

...

Advocate for the Applicant : Ms.Sangole Vanita H.
Advocate for the Respondent : Shri R.N. Bharaswadkar

...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 21st February, 2022

Per Court:

1. Heard the learned counsel for the applicant and the respondent.

The matrimonial discord between the parties led to filing of HMP No.A-110/2021 by the respondent/ husband in the Family Court at Aurangabad, seeking dissolution of marriage between the parties, which was solemnized on 18.12.2011.

2. The applicant/ wife states that she has also filed the maintenance proceedings before the Family Court at Pune. Even the respondent/ husband has also filed another petition seeking custody of minor children before the Family Court at Aurangabad.

3. The learned counsel for the applicant further states that there are two children born out of the wedlock and as on date, one child is aged

eight years and another is aged four years and she is singularly taking care of children and for taking care of them, she has engaged herself in private job at Pune. The applicant/ wife face difficulty in undertaking journey of approximately 240 kilometers from Pune to Aurangabad and she expresses an apprehension that in case if she has to attend the dates of hearing, she will have to undertake travel of approximately 500 kilometers in a day and she will have to leave children at the mercy of someone else or she will have to carry children along with her, which would pose inconvenience to her children, who are minors.

4. I find substance in the submissions advanced by the learned counsel for the applicant and since the inconvenience is projected as a ground for transfer, I am inclined to grant this application with certain directions being issued to the Family Court at Pune, on transfer of the proceedings.

5. Taking into consideration the grounds of inconvenience projected by the wife, the Misc. Civil Application is allowed and HMP No.A-110/2021 filed by the respondent/ husband in the Family Court at Aurangabad, is transferred to the Family Court at Pune.

6. On the proceedings being transferred to the Family Court at Pune, the proceedings filed by the wife for maintenance shall be clubbed along with the said proceedings.

The proceedings filed by the respondent/ husband seeking

custody of minor children vide Petition No.D-9/2021 shall also be transferred to the Family Court at Pune.

7. The learned Presiding Judge of the Family Court at Pune shall preferably assign all the aforesaid proceedings to the same Judge, who shall on such assignment, make every endeavour to keep the proceedings on the same date so that the respondent/ husband can travel to Pune and attend the proceedings on a single day. The learned Judge shall also ensure that the respondent/ husband is directed to attend the proceedings personally only when he is under examination or cross-examination and on all other dates, his personal presence may be exempted and he may be permitted to be represented through his advocate.

8. The concerned Judge of the Family Court, Pune, shall make an endeavour to dispose of all the aforesaid three proceedings within a period of one year from today.

kps

(SMT. BHARATI H. DANGRE, J.)