

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1027 MISC. CIVIL APPLICATION NO.277 OF 2021

NILIMA SHIVAJI SHINDE
VERSUS
SHIVAJI SANJEEV SHINDE

...
Advocate for Applicant : Mr. Nagode D.G.
Respondent served – absent.
...

CORAM : MANGESH S. PATIL, J.

DATE : 20 JULY 2022

PC :

Heard learned advocate for the petitioner. Respondent has been served with a notice for final disposal but has not appeared.

2. The averments in the application go without any demur.

3. Going by the averments in the application, since after the couple got separated, she has been staying in Ahmednagar. He hails from Aurangabad. He has instituted a divorce proceeding in the Family Court at Aurangabad. Being a woman, having a small child, it would indeed be difficult for her to come down to Aurangabad to defend the proceeding. She does not have any income. He is stated to be a businessman. She had to file a proceeding for maintenance and also a proceeding for restitution of conjugal rights. It is alleged that she was made to withdraw that restitution proceeding under the guise of amicable settlement but he did not honour the settlement and she now has gone back to Ahmednagar.

4. Applicant would certainly face hardship if she is made to commute between two places having a minor child. Instead, the respondent would not face a greater hardship if the divorce petition is transferred to Aurangabad, by taking necessary precaution to avoid any hardship to him as well.

5. The application is allowed.

6. Proceeding bearing Petition No. A-273/2021 is transferred from Family Court, Aurangabad to Family Court, Ahmednagar for decision in accordance with law.

7. The parties shall appear before the Family Court, Ahmednagar on 6 August 2022 and there shall be no need to issue notice to them.

8. The Court taking up all the proceedings of the couple at Ahmednagar, shall as far as possible, list all the proceedings on the same day.

[MANGESH S. PATIL]
JUDGE

arp/