

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

MISC. CIVIL APPLICATION NO. 198 OF 2022

Mrs. Snehal @ Sangita w/o
Nilesh Tribhuwan

Applicant

Versus

Nilesh s/o Rajendrakumar Tribhuwan

Respondent

Mr. Shaikh Kayyum Najir, advocate for the Applicant
Mr. R. S. Pandey, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st December, 2022.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of Marriage
Petition No. 53 of 2022, filed by the respondent-husband for
getting decree for nullity of marriage, from the Court of
learned District Judge, Kalyan, District Thane to District
Judge at Aurangabad.

3 The learned Counsel for the applicant submits

that though the applicant is earning but she is serving in Revenue department and, therefore, it would not be possible for her to go to Kalyan frequently. He pointed out that in the proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005, filed by the applicant at Aurangabad, the respondent-husband has appeared and he is attending the dates of the said proceeding.

4 On the contrary, the learned Counsel for the respondent-husband submits that the respondent is jobless and he has an old aged mother to look after.

5 It is not in dispute that the applicant is serving in Revenue department and she can attend the dates at Kalyan since she is a salaried person, however, the distance between Kalyan and Aurangabad is 320 Kms and for attending the dates at Kalyan, the applicant may face difficulty in her service also. On the contrary, the respondent-husband is already attending DV proceedings at Aurangabad, though filed subsequently.

6 In view of the same, it would be proper to ask the respondent-husband to attend the dates of his petition at Aurangabad instead of Kalyan.

7 Hence, following order is passed:

(i) Misc. Civil Application is hereby allowed.

(ii) Marriage Petition No. 53 of 2022 is transferred from the Court of learned District Judge, Kalyan, District Thane to the Court of learned District Judge at Aurangabad, for its disposal according to law.

(ii) The respondent is directed to appear before the learned District Judge, Aurangabad, on or before 02nd January, 2023.

(iv) The respondent is at liberty to seek convenient dates for both the proceedings from the concerned Courts.

(SANDIPKUMAR C. MORE)
JUDGE

adb