

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

974 MISC. CIVIL APPLICATION NO.168 OF 2019

JYOTSNA SHAMBUVEL SALVE  
VERSUS  
SHAMUVEL VISHWAS SALVE

...  
Advocate for Applicant : Mrs. Vaishali B. Dolas  
Advocate for Respondents : Mr. S.K. Chavan  
...

**CORAM : M.G. SEWLIKAR, J.**  
**DATE : 27<sup>th</sup> July, 2022**

**PC.:-**

Heard.

2. The applicant and respondent are husband and wife. Their marriage is on the rocks. Therefore, respondent filed HMP No.A-9/2019 for divorce against the petitioner in Family Court, Aurangabad.

3. The applicant filed this application for transfer of the HMP No. A-9/2019 to Civil Judge Senior Division, Sangamner as the applicant is the resident of Kawathekamaleshwar, Tq. Sangamner, District Ahmednagar. It is her case that the couple has a daughter from the wedlock. It is difficult for her to attend the Family Court at Aurangabad on each and every date because of long distance between the two places and also the daughter being of tender

age of 7 years.

4. Learned counsel Smt. Chavan submits that other proceedings are also pending before the Sangamner Court. Therefore, it will be in the fitness of things if this petition is transferred to Sangamner.

5. Learned counsel for the respondent-husband vehemently opposed the application contending that the application is filed just to harass the respondent. He submits that husband is ready to bear to and fro expenses of the applicant if the petition is not transferred from Aurangabad. He submits that the petition is misconceived and deserves to be dismissed.

6. It is not in dispute that the applicant is the resident of Kawathekamaleshwar. It is a small village in Taluka Sangamner, District Ahmednagar. There is less possibility of having direct connectivity by bus from village Kawathekamaleshwar to Aurangabad. Also, the daughter of the applicant is 7 years old. It is also not in dispute that some proceedings are pending before the J.M.F.C. Sangamner and also before the C.J.S.D., Sangamner. Therefore, no prejudice will be caused to respondent-husband if this petition is transferred to C.J.S.D., Sangamner.

7. In this view of the matter, the following order is passed:

**ORDER**

- I) Application is allowed.
- II) HMP No.A-9/2019 is withdrawn from the file of Family Court, Aurangabad and is transferred to the file of the Civil Judge Senior Division, Sangamner, Dist. Ahmednagar.

**[M.G. SEWLIKAR, J.]**