

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

949 MISC.CIVIL APPLICATION NO.283 OF 2021

DIPALI SUNIL KHAIRNAR
VERSUS
SUNIL SHANKAR KHAIRNAR

...
Advocate for Applicant : Mr.Dagadkhair D.K.
Advocate for Respondent : Mr. B. G. Lathe
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.10.2022

PER COURT :

Heard rival submissions. The applicant -wife is seeking transfer of Marriage Petition A - 28/2021 filed by the respondent -husband in Family Court at Nashik for getting divorce from the applicant.

2. The learned counsel for the applicant -wife submits that the applicant has filed three proceedings against the respondent - husband wherein the husband has appeared. Applicant has filed proceeding under the Provisions of Protection of Women from Domestic Violence Act, 2005 and also under Section 125 of the Code of Criminal Procedure before one and the same Magistrate, Gangapur. She has also filed Petition No. A- 533/2021 before the learned Family Court, Aurangabad. The learned counsel for the

applicant further submits that the respondent -husband despite order of Court has not deposited any amount of maintenance to the applicant as well as her 5 years old son.

3. On the contrary, the learned counsel for the respondent husband strongly opposed the application and submitted that all the relatives of applicant -wife are residing at Nashik . Moreover, the applicant has given address of Waluj which comes under the jurisdiction of Magistrate Court at Gangapur. Further considering the said address the Marriage Petition is not maintainable in Family Court, Aurangabad and it would go to the learned Civil Judge Senior Division, Vaijapur.

4. It is significant to note that the respondent -husband has appeared in all the three proceedings which the applicant has filed at Gangapur and Aurangabad. Further, the learned Family Court, Aurangabad has also entertained the petition of applicant -wife since she is claiming her address at Aurangabad. If the respondent disputes the address of applicant at Aurangabad he will be at liberty to take proper steps according to law. At present, he has appeared in the Family Court, Aurangabad. The learned counsel for the respondent -husband submitted that the respondent husband would provide the

travelling expenses and allied charges to the applicant, if she attends the dates of proceeding pending in Family Court, Nashik. However, the conduct of respondent indicates otherwise since he did not deposit any amount of maintenance in respect of applicant and her son despite Court orders. In view of the same and considering the convenience of applicant -wife, I pass the following order :

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No. A-28/2021 pending in the Family Court, Nashik is hereby transferred to the Family Court at Aurangabad for its expeditious disposal along with the Petition No. A-533/2021 pending therein.
- (iii) The respondent -husband is directed to appear before the Family Court at Aurangabad on 05.11.2022.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-