

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

MISC.CIVIL APPLICATION NO.221 OF 2019

**KALPANA RAMHARI JOGDAND ALIAS KALPANA BHAUSAHEB PAWAL
VERSUS
BHAUSAHEB DASHRATH PAWAL**

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Advocate for Applicants : Mr. Shivraj Deshmukh h/f.Mr.Girish K.Thigale (Naik)
Advocate for Respondent : Mr. Suhas R. Shirsat

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CORAM : MANGESH S. PATIL, J.

DATED : 04 JULY 2022

PER COURT :

The applicant wife is seeking transfer of a divorce proceeding instituted by the husband from the Court at Vasai to the Court at Beed.

2. I have heard the arguments of both the sides.
3. There is some dispute about the exact distance between two places. Even according to the respondent's learned advocate the distance between Vasai and Beed is more than 350 kms.
4. Considering the fact that the applicant is a women, she would certainly face hardship if she is made to commute between two places in order to defend the proceeding. Hypothetically, it would be difficult for her to stay back at Vasai in case the matter spills over to the next hearing date.

5. Admittedly, respondent had filed a proceeding for restitution of conjugal rights under section 9 of the Hindu Marriage Act in the court at Beed in the year 2014. Subsequently he abandoned it and filed the present petition for divorce at Vasai. This conduct certainly reflects on his attitude.

6. The facts and circumstances clearly indicate that applicant doesn't have any independent source of income. Being a women it would certainly be inconvenient for her if she is made to defend the proceeding by commuting between Beed and Vasai.

7. Besides, learned advocate for the applicant points out that the applicant has also filed a proceeding under the Protection of Women from Domestic Violence Act, 2005, which is pending in the court at Beed. As it is respondent will have to come down to defend that proceeding. It would be, therefore, appropriate that the divorce proceeding is transferred from Vasai to Beed and to issue direction to all the courts to take up all the matters between the parties simultaneously as far as possible by listing the matters on the same date to avoid any possible hardship to him.

8. The application is allowed.

9. The proceeding bearing Marriage Petition No.263 of 2019, pending in the Court of Civil Judge Senior Division at Vasai is transferred to the Family Court at Beed.

10. All the courts taking up different matters between the parties at Beed shall, as far as possible, list all the matters on the same date.

11. Parties shall appear before the Family Court at Beed on 30.07.2022.

(MANGESH S. PATIL, J.)

Tandale/-