

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

MISC. CIVIL APPLICATION NO. 273 OF 2022

Sow. Pooja w/o Chandrakant Totare Applicant

Versus

Chandrakant Eknath Totare Respondent

Mr.U. B. Deshmukh, advocate for the Applicant

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st December, 2022.

PC :

1 The affidavit of service in respect of service to the respondent-husband along with the postal tracking report indicates that though the respondent has been served by R. P. A. D., but remained absent.

2 Heard learned Counsel for the applicant.

3 The applicant is seeking transfer of HMP No. 13 of 2022, filed by the respondent-husband for getting divorce, from the Court of learned Civil Judge, Senior Division, Panvel, District Raigad to the Court of learned Civil Judge, Senior Division, Mukhed, District Nanded.

4 The learned Counsel for the applicant submits that distance between Panvel and Mukhed is 625 Kms and the applicant-wife is also having two children of tender ages from the respondent-husband to whom she is maintaining at present. Further, the applicant has also filed three proceedings at Mukhed, (i) Under Section 498-A of Indian Penal Code; (ii) under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and (iii) Civil Suit for partition and separate possession. The respondent-husband has appeared in the criminal prosecution under Section 498-A of the IPC.

5 Thus, it appears that the respondent will have to attend the proceedings at Mukhed, District Nanded and considering that the applicant is having two minor children, it would be difficult for her to travel to Panvel even if the expenses are born by the respondent-husband. The respondent-husband, despite service, remained absent and, therefore, considering the convenience of the applicant-wife, following order is passed:

- (i) Misc. Civil Application is hereby allowed.
- (ii) HMP No. 13 of 2022 is transferred from the Court of Civil Judge, Senior Division, Panvel, District Raigad to the Court of Civil Judge, Senior Division, Mukhed, District Nanded, for disposal according to law.
- (iii) The respondent is directed to appear before the Civil Judge, Senior Division, Mukhed, District Nanded, on or before 02nd January, 2023.

(SANDIPKUMAR C. MORE)
JUDGE

adb