

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

984 MISC.CIVIL APPLICATION NO.231 OF 2019

NEHA RATNADEEP BHUTALE
VERSUS
RATNADEEP MADHAVRAO BHUTALE

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Advocate for Applicant : Mr. U. P. Bilolikar
Advocate for Respondent : Mr. A. U. Chandel

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 20/10/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant – wife has filed this application for transfer of H.M.P. No.932 of 2018, which has been filed by respondent husband for getting divorce, from the Court of 15th Civil Judge (Senior Division), Pune to the Family Court, Nanded.
3. The learned counsel for the respondent-husband in this application filed affidavit in reply and strongly opposed the aforesaid prayer. It is contended by the respondent husband that he is ready to pay the travelling charges and cost of litigation to applicant wife, if she has to attend the proceeding at Pune.
4. However, it appears that the applicant wife has filed proceeding against the respondent-husband and his relatives under the provisions of Protection of Women from Domestic Violence Act, 2005 in the court of concerned JMFC, Nanded bearing PWDVA No. 52 of 2019, wherein husband has appeared.

Besides, the applicant-wife has also filed petition ER No. 6 of 2021 for recovery in Family Court Nanded. As per the learned counsel for the applicant wife there is an outstanding of Rs.1,80,000/- towards the maintenance amount.

5. It is important to note that the distance between Nanded and Pune is of 500 Kms. The applicant-wife is not having any independent source of income and the arrears of maintenance is of Rs.1,80,000/-. This shows that respondent husband is avoiding payment of maintenance. As such, the assurance given by the respondent husband that he would provide cost of litigation and travelling charges, prima facie appears false. Moreover, the respondent husband is attending the dates at Nanded. In view of the same, the proceeding filed by respondent – husband in this application can be conveniently transferred to Family Court, Nanded. Hence, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No.932 of 2018 pending in the court of CJSD, Pune is transferred to Family Court, Nanded for its simultaneous disposal with ER -Petition No. 6 of 2021 filed by the applicant-wife therein.
- (iv) The respondent is directed to appear before Family Court, Nanded on 28th November 2022.
- (v) The applications are disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)