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

MISC. CIVIL APPLICATION NO.311 OF 2021

DEEPA SAINATH THORAT
VERSUS
SAINATH DATTATRAYA THORAT

...

Mr V. G. Kodale, Advocate for applicant;
Mr V. S. Undre, Advocate for respondent

CORAM : SMT. BHARATI DANGRE, J.
DATE : 22nd February, 2022

PER COURT:

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent, who has contested the application.

The applicant wife is seeking transfer of the H.M.P. NO.354/2020, filed by the respondent husband, seeking dissolution of the marriage before the learned Civil Judge Senior Division, Ahmednagar. The proceedings are sought to be transferred to the learned Civil Judge Senior Division, Pune.

2. The transfer of the proceedings is sought on the two grounds; one being that a minor daughter is residing with the applicant and the second ground is the medical condition of the applicant, since she sustained a grievous brain injury in an accident caused on 20/04/2019 and since the medical papers

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placed on record indicate seriousness of the injury, the transfer of the proceedings is justified. The medical papers placed on record indicate that the trauma suffered by her was immense and she has to be watchful even today.

3. Both the aforesaid circumstances justify the transfer of the proceedings filed by the respondent husband in Ahmednagar to the Court of learned Civil Judge Senior Division, Pune, since the wife is residing in Pune.

4. In the wake of the above, the Misc Civil Application is allowed in terms of prayer clause (B), which reads thus:

“B) By allowing this Misc. Civil Application, the Marriage Petition No.354/2020 pending before the learned Civil Judge Senior Division, Ahmednagar may kindly be directed to be transferred to the Civil Judge Senior Division at Pune.”

The proceedings shall be transferred forthwith from the learned Civil Judge Senior Division, Ahmednagar to the Court of learned Civil Judge Senior Division, Pune

(SMT. BHARATI DANGRE, J.)

sjk