

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

MISC.CIVIL APPLICATION NO.335 OF 2021

**POOJA AMIT BARLOTA
VERSUS
AMIT ARUNKUMARJI BARLOTA**

...
Advocate for Applicant : Mr. Vinod B. Jadhav
Advocate for Respondents : Mr. Aakash D. Gade
...

CORAM : MANGESH S. PATIL, J.

DATE : 18.07.2022

PER COURT :

Heard both the sides finally. The applicant is seeking transfer of a divorce proceeding instituted by the respondent husband from the court at Parbhani to the court at Latur.

2. Admittedly, since after the couple had separated the applicant has been staying at Latur whereas the respondent is staying in Selu Dist. Parbhani. She has filed an FIR with Shivaji Nagar Police Station, Latur for the offence punishable under Section 498-A etc. of the Indian Penal Code. She has also instituted a proceeding under the Protection of Women from Domestic Violence Act, 2005 which is also pending at Latur. It is thereafter even she has filed a proceeding for maintenance under Section 125 of the Code of Criminal Procedure and even she is seeking custody of children in a proceeding preferred under the Guardian and Wards Act against him. All these proceedings instituted by her are pending at Latur.

3. Being a lady it would be certainly difficult for the applicant to prosecute the divorce proceeding by commuting between Parbhani and Latur stated to be around 135 km apart. Even if the divorce proceeding is not transferred, that would not save the respondent from his obligation to attend the other matters which are going on at Latur. If he is to go to Latur to defend all these proceedings initiated by the applicant, he can be made to prosecute his divorce proceeding at Latur which would obviate any hardship to the applicant, by taking necessary precaution that even he is saved from hardship.

4. The Application is allowed. The HMP No.21/2020 is transferred to the Family Court, Latur for decision in accordance with law. All the courts taking up different matters between the parties at Latur shall, as far as possible, list all these matters on the same day. Parties shall appear before the Family Court, Latur on 30.07.2022.

(MANGESH S. PATIL, J.)

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