

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

**943 MISC.CIVIL APPLICATION NO.265 OF 2019
WITH CA/5931/2020 IN MCA/265/2019**

**SWATI RAKESH PAWAR
VERSUS
RAKESH SURESH PAWAR**

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Mrs. Sabahat Kazi, Advocate for the applicant.

Mr. Vikrant Palsikar, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07.10.2022.

ORDER:-

1. Heard rival submissions. The applicant wife is seeking transfer of Petition No. A-164/2019 filed by her husband / respondent before the Family Court, Akola, to the Family Court, Dhule.

2. The learned Counsel for the applicant – wife submits that the applicant is having a daughter, who is studying in 1st standard at Dhule. Moreover, there are two proceedings going on at Dhule filed by her. First is maintenance petition bearing Petition No.E 147/2019 in Family Court, Dhule and the other is under the provisions of Protection of Women from Domestic Violence Act, 2005 bearing Cri. Misc. Application No. 1023/2019 pending in the Court of

concerned Magistrate, Dhule. Moreover, father of the applicant recently detected liver cancer and her brother is also no more. The distance between Akola to Dhule is of 275 kms. and therefore, there is great inconvenience for the applicant to attend the date at Akola Family Court.

3. On the contrary, the learned Counsel for the respondent strongly opposed the application on the ground that there are certain provisions in law that the applicant can claim cost of litigation and conveyance allowance, if she has to attend the Family Court at Akola.

4. However, it is not in dispute that the respondent-husband is attending the dates of the proceedings filed by the applicant at Dhule, and therefore, for proper adjudication of the real controversy between the parties, the petition at Family Court, Akola filed by the respondent can be conveniently transferred to Dhule.

5. At this stage, the learned Counsel for the respondent sought permission to withdraw pending Civil Application No. 5931 of 2020 for the purpose of getting custody of daughter. Accordingly the following order is passed.

ORDER

- (i) The Application is hereby allowed.

- (ii) Petition No. A-164/2019 pending in the Family Court, Akola is hereby transferred to the Family Court, Dhule for it's simultaneous disposal alongwith the Petition No.E 147/2019 pending therein.
- (iii) The respondent husband is directed to appear before the Family Court, Dhule on 9th November 2022.
- (iv) The application is accordingly disposed of.
- (v) The pending Civil Application No. 5931 of 2020 stands withdrawn and disposed of. The respondent may file similar custody application before the regular Court.

(SANDIPKUMAR C. MORE, J.)