

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

975 MISC.CIVIL APPLICATION NO.49 OF 2021

KAVITA MAHENDRA CHAUDHARI
VERSUS
MAHENDRA DALA CHAUDHARI

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Advocate for Applicant : Mr. Gajendra D. Jain h/f
Mr. N. L. Chaudhari

Advocate for Respondent : Mr. P. P. Patni h/f Mr. R. S. Wani

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 15/06/2023.**

P. C. :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of Marriage Petition No. 81 of 2020 filed by respondent- husband for getting divorce, from the Court of CJSD, Nandurbar to the Court of CJSD, Chalisgaon, District Jalgaon.
3. According to the applicant-wife, she is not having any independent source of income. Moreover, she is maintaining one son, aged about 7 years old without any financial support from the respondent. She has also filed two proceedings one under PWDV Act and other under Section 125 of Cr.P.C. in the court of concerned JMFC, Chalisgaon, wherein the respondent – husband has already appeared.
4. The learned counsel for the respondent- husband strongly opposed the application on the basis of affidavit in reply filed by the respondent / husband on the ground that his mother is suffering from severe ailments and therefore, he is unable to attend the dates at Chalisgaon.

5. However, it is significant to note that the respondent is already attending the dates at Chalisgaon and therefore, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No.81 of 2020 pending in the court of CJSD, Nandurbar is transferred to the Court of CJSD, Chalisgaon, District Jalgaon for its disposal according to law.
- (iii) The respondent is directed to appear before Court of CJSD, Chalisgaon on or before 15/07/2023 and he will be at liberty to seek convenient dates for all the proceedings pending between himself and applicant at Chalisgaon.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)