

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

970 MISCELLANEOUS CIVIL APPLICATION NO. 79 OF 2023

ANUJA HARISH CHOUDHARY
VERSUS
HARISH BHIKA CHOUDHARY

...
Mr. Valmik Munjal h/f. Mr. V.S. Undre – Advocate for Applicant
Mr. P.S. Dikle – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 21st July, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Marriage Petition No. A-3627 of 2021 pending in the Family Court No.1 at Bandra, Mumbai filed by respondent – husband for getting divorce, to the Court of C.J.S.D., Bhoom, Dist. Osmanabad.
3. According to the applicant – wife, she is not having any independent source of income. Further, she has also filed three proceedings namely application under Section 125 of Cr.P.C. for getting maintenance in the Court of Judicial Magistrate First Class, Washi, Dist. Osmanabad, proceeding under the provisions of P.W.D.V. Act and criminal prosecution

under Section 498 – A of I.P.C. at Washi, Dist. Osmanabad. The respondent – husband has already appeared in the aforesaid proceedings.

4. On the contrary, the learned Counsel for the respondent – husband strongly opposed the application on the ground that, the applicant is well educated lady and the Family Court No. 1, Bandra at Mumbai considering her travelling charges, has already directed the respondent – husband to give her amount of Rs.2,500/-.

5. However, it is significant to note that, the respondent – husband is already attending the dates at Washi, Osmanabad. Moreover, the distance between Washi and Bandra, Mumbai is around 500 Kilometers. Obviously, considering the travelling of such a long distance the applicant – wife would required atleast three days to attend the date at Bandra, Mumbai, which would approximately cost her around 8,000/- to 10,000/- including the stay per date. Therefore, the comparative convenience is not in favour of respondent – husband since, he is already attending the dates at Washi. In

view of the same, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No. A – 3627 of 2021 pending in Family Court No.1 at Bandra, Mumbai is transferred to the Court of C.J.S.D. Bhoom, Dist. Osmanabad for disposal according to law.
- (iii) The respondent is directed to appear before the Court of C.J.S.D., Bhoom, Dist. Osmanabad on or before 8th August, 2023.
- (iv) He is at liberty to appear through his advocate in all these proceedings at Washi as well as Bhoom Dist. Osmanabad except on the dates where his personal attendance is required. He may use the facilities of video conferencing wherever possible.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE