

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

977 MISC.CIVIL APPLICATION NO.86 OF 2022

SHITAL SAINATH BUCHADE
VERSUS
SAINATH MADHAVRAO BUCHADE AND ORS

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Advocate for Applicant : Mr. B. G. Sagade
Advocate for Respondent No.1 : Mr. R. P. Totala h/f Mr. A. P. Nahar

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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 Petition No.A-39 of 2022 filed by respondent- husband for getting divorce, from the Family Court, Ahmednagar to the Family Court, Latur
3. According to the applicant-wife, she is not having any independent source of income. Moreover, an order of competent court is already passed directing the respondent to hand over the custody of 5 years old son to the applicant. She has also filed three proceedings one under PWDV Act, second under Section 498A of IPC and third one for judicial separation before Family Court Latur, 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 applicant is able to travel the distance between Ahmednagar and Latur.
5. However, it is significant to note that the respondent is already attending the dates at Latur and therefore, there is no

propriety to ask the applicant to attend the dates at Ahmednagar. On the contrary, when both the parties are seeking same relief of divorce, it can be conveniently decided by one and same court. Therefore, considering this aspect, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No.A-39 of 2022 pending in the Family Court, Ahmednagar is transferred to the Family Court Latur for its simultaneous disposal along with the petition filed therein by the applicant for judicial separation, according to law.
- (iii) The respondent is directed to appear before Family Court Latur 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 Latur.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)