

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

961 MISCELLANEOUS CIVIL APPLICATION NO. 91 OF 2018

SARIKA SIDDESHWAR WAGHMARE
VERSUS
SIDDESHWAR SURYAKANT WAGHMARE

...
Mr. Gorakhnath Kendre h/f. Mr. J.M. Murkute – Advocate for
Applicant
Mr. D.V. Tele – Advocate for Respondent
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 21st July, 2023

PER COURT :

1. Heard rival submissions.
2. Leave to amend prayer clause 'B' is granted by mentioning Family Court, Jalna instead of Civil Judge Senior Division (C.J.S.D.), Jalna.
3. The applicant – wife is seeking transfer of Marriage Petition No. A – 98 of 2018 pending in the Court of Family Court, Aurangabad filed by respondent – husband for getting divorce, to the Family Court, Jalna.

4. According to the applicant – wife, she is not having any independent source of income and at present she is maintaining one minor child without any financial assistance from the respondent – husband. Moreover, she has also filed proceedings under Section 125 of Cr.P.C. for getting maintenance at Jalna and one criminal prosecution under Section 498 – A of I.P.C. is also going on at Jalna against the respondent – husband and his family members. It is significant to note that, the respondent – husband has already appeared in those proceedings at Jalna.

5. The learned Counsel for the respondent – husband strongly opposed the application by filing affidavit-in-reply of the respondent. However, considering the fact that, respondent is already appeared in the proceedings filed by the applicant – wife at Jalna, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Marriage Petition No. A – 98 of 2018
pending in Family Court, Aurangabad is

transferred to the Family Court, Jalna for disposal according to law.

- (iii) The respondent is directed to appear before the Family Court, Jalna on or before 8th August, 2023.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE