

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

953 MISC.CIVIL APPLICATION NO.142 OF 2022

**SHILPA PRATIK CHHABRA
VERSUS
PRATIK RATANKUMAR CHHABRA**

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Mr. V.B. Deshmukh, Advocate for the applicant.
Ms. Vaishali Shinde, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14.07.2023

ORDER:-

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of HMP No.444/2020 filed by respondent- husband for divorce, from the Court of learned Civil Judge (Senior Division), Nifad, District Nashik to the Family Court, Osmanabad.
3. According to the applicant-wife, she is not having any independent source of income. The distance between Nifad and Osmanabad is around 390 kms. Moreover, she has also filed one proceeding against the respondent husband and his family members under the provisions of Protection of Women from Domestic Violence Act in the Court of Judicial Magistrate, First Class at Osmanabad wherein they are yet to appear.

4. The learned counsel for the respondent- husband strongly opposed the application by filing affidavit in reply of the respondent husband on the ground that the respondent is maintaining two minor children and his old aged parents also require medical attention. Therefore, he will not be able to attend the dates at Osmanabad. The learned Counsel for the respondent also submits that the respondent is ready to pay all the conveyance charges to the applicant if she attends the dates at Nifad.

5. However, the distance between Nifad and Osmanabad is of 390 kms. and in absence of any financial assistance, it would be difficult for the applicant to attend the dates of Nifad. Further, it is also difficult for a single lady to travel such long distance without any company of close relative. On the contrary, the respondent is having sufficient means. Further, it is significant to note that since 2020 the respondent on his own, did not provide any maintenance to the applicant. Moreover, the respondent and his family members will also have to attend the dates at Osmanabad in the proceeding filed under the provisions of the Protection of Women from Domestic Violence Act by the applicant wife. Therefore, considering the convenience of the applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No.444/2020 pending in the court of Civil Judge (Senior Division), Nifad, District Nashik is transferred to the Family Court, Osmanabad for disposal according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Osmanabad on or before 01.08.2023. He may seek convenient dates for both the proceedings from the concerned Courts.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)