

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

971 MISC.CIVIL APPLICATION NO.113 OF 2022

POONAM CHANDANKUMAR PAREEK
VERSUS
CHANDANKUMAR SHIVRAM PAREEK

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Advocate for Applicants : Mr. S. S. Rathi
Advocate for Respondent: Mr. M. M. Kadtu

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/02/2023.**

P. C. :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of Petition No.-A 3061 of 2021 filed by respondent- husband for getting divorce from the Family Court No.6 at Bandra, Mumbai to Family Court at Parbhani.
3. According to the applicant-wife, she is not having any independent source of income. The distance between Parbhani and Mumbai is about 600 Kms. Moreover, she is suffering from lumber spondylitis and therefore, asked not to travel. Besides, there are old aged parents and therefore, there is nobody to accompany her to attend the dates at Mumbai. She has also filed proceeding under Section 9 of Hindu Marriage Act for restitution of conjugal rights, 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 father has suffered from brain stroke, whereas he himself is a patient of epilepsy and

depression. Moreover, it is submitted that the petition filed by the applicant / wife is an after thought and as a counter blast to the petition of respondent.

5. Admittedly, both the parties have produced certain medical papers in respect of their rival contentions, but it is brought to the notice that respondent husband has appeared at Parbhani on two occasions despite suffering from medical ailments as mentioned above. The distance between Mumbai and Parbhani is around 600 Kms. and therefore, it would be highly difficult for the applicant / wife to attend the dates at Bandra even after provision of some financial aid. On the contrary, when the respondent husband has already appeared at Parbhani, he can very well attend the dates at Parbhani in future also with certain concession. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-3061 of 2021 pending in the Family Court No.6, Bandra, Mumbai is transferred to the Family Court, Parbhani for its simultaneous disposal alongwith the petition filed by the applicant-wife pending therein, according to law.
- (iii) The respondent is directed to appear before Family Court, Parbhani on or before 15/03/2023. He will be at liberty to appear in both the proceedings at Parbhani through his advocate except on the dates where his physical

presence is necessary. He may use the facility of video-conferencing, where-ever possible.

- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)