

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

**985 MISC.CIVIL APPLICATION NO.117 OF 2022**

**DR SHEELA VIVEK KUHITE**

**VERSUS**

**DR VIVEK HEMRAJ KUHITE**

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**Advocate for Applicant : Mr. H. P. Jadhav h/f.  
Mr. Patil Jayant R.**

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 03.02.2023**

**PER COURT :**

Heard the learned counsel for the applicant. The respondent and his counsel despite last chance, remained absent.

2. The applicant is seeking transfer of Petition No. A-1592/2021 filed by the respondent -husband for getting divorce from Family Court No.3, Nagpur to Family Court, Latur.

3. According to the applicant, she is not having any source of income and she has to look after two years old daughter. Moreover, the applicant has also filed two proceedings at Latur against the respondent. One is under Section 498-A of the Indian Penal Code and other one is under the provisions of Protection of Women from Domestic Violence Act, 2005. The respondent -husband has already

appeared in those proceedings. Moreover, the distance between Latur and Nagpur is of 600 kms.

4. It is significant to note that the respondent despite appearance through advocate, remained absent. The learned counsel for the respondent remained absent despite grant of last chance. As per the latest view of the Hon'ble Apex Court, the convenience of the wife is to be seen ahead of the convenience of the husband. Moreover, the applicant is not having any source of income and therefore, considering the convenience of the applicant, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) Petition No. A-1592/2021 is hereby transferred from the Family Court No.3, Nagpur to Family Court, Latur for disposal according to law.
- (iii) The parties are directed to appear before Family Court, Latur, on or before 01.03.2023.
- (iv) Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)  
JUDGE

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shp/-