

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

971 MISC.CIVIL APPLICATION NO.140 OF 2022

**SANDHYA DILIP KATKAR
VERSUS
DILIP DNYANDEO KATKAR**

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Mr. Shashikant Pande, Advocate for the applicant.
Mr. Manoj Shinde, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 17th March 2023.

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of Petition PA No. 573/2022 filed by the respondent- husband for getting divorce, from the Family Court, Pune to the Family Court at Aurangabad.

2. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed two proceedings; one under Section 125 of Cr.P.C. in the Family Court, Aurangabad and other is proceeding under the provisions of Protection of Women from Domestic Violence Act in the court of concerned Judicial Magistrate, First Class at Aurangabad. The respondent husband has appeared in the maintenance proceeding.

3. learned Counsel for the respondent- husband strongly opposed the application by filing reply on the ground that the applicant still resides at Pune in the row-house given to her during course of one petition under Section 13-B of Hindu Marriage Act which could not be materialized finally. Moreover, the respondent is ready to bear the charges of applicant for attending the dates at Pune.

4. However, it is significant to note that the respondent is already attending the dates at Family Court, Aurangabad in the maintenance proceeding. Moreover, the distance between Pune and Aurangabad is only of 250 Kms. Further, the learned Counsel for the applicant fairly admitted before the Court that the row-house which was given to the applicant by the respondent husband at the relevant time, is already vacated by her and now she is residing with her father at Aurangabad. He also submitted on instructions that the said row-house is at present seized by the concerned Local Body for non payment of property taxes. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.

- (ii) The Petition PA No. 573/2022 pending in the Family Court Pune is transferred to the Family Court, Aurangabad 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 on or before 31/03/2023. The respondent is at liberty to appear in the proceedings at Family Court, Aurangabad through his Advocate except on the dates on which his physical presence is required. He may avail the facility of Video Conferencing, if available.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)