

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

995 MISC.CIVIL APPLICATION NO.188 OF 2022

**PRANALI VISHAL GAIKWAD
VERSUS
VISHAL GAJENDRA GAIKWAD**

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Advocate for Applicant : Mr. Pradeep Tambade h/f.
Mr. Jadhavar Santosh S.
Advocate for Respondent : Mr. Abhijit S. More

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.01.2023

PER COURT :

Heard rival submissions. The applicant is seeking transfer of Marriage Petition No. 83/2022 filed by respondent -husband for getting divorce from the Court of the Civil Judge Senior Division, Thane to the Court of Civil Judge Senior Division, Paranda, District Osmanabad.

2. The learned counsel for the applicant submits that the applicant is not having any source of income and the distance between Paranda and Thane is more than 375 kms. and therefore, it is highly difficult for the applicant to attend the dates at Thane. Since no financial is provided to her by the husband till today.

3. On the contrary, the learned counsel for the respondent strongly opposed the applicant and submitted that the health

condition of the respondent is very much poor due to accident suffered by him. He is also having certain documents in respect of the medical treatment of the respondent which is still continued. However, it is significant to note that even otherwise also the the respondent will have to attend the dates at Paranda in the proceedings taken out by the applicant-wife. Further, it is not so that he will have to attend each and every date at Paranda. He can very well appear at Paranda through his advocate whenever it is possible. It is already settled that in transfer cases the convenience of wife is to be seen first. In view of the same, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No. 83/2022 is hereby transferred from the Court of Civil Judge Senior Division, Thane to the Court of Civil Judge Senior Division, Paranda, District Osmanabad for disposal according to law.
- (iii) The respondent is directed to appear before the Court of Civil Judge Senior Division, Paranda on or before 01.02.2023. However, the liberty is granted to respondent to appear in the aforesaid proceeding through his advocate except on the dates where his physical presence is necessary. Further, the

respondent is also at liberty to use the facility of Video Conferencing wherever is available.

(iv) Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-