

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

988 MISC.CIVIL APPLICATION NO.209 OF 2022

**NITA ALIAS DROPADI KHUSHAL KURAI
VERSUS
KHUSHAL MOTILAL KURAI**

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Advocate for Applicant : Mr. Jitendra Patil.
Advocate for Respondent : Mrs.Kutti Chaudhari Chaitali R.

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Heard rival submissions. The applicant is seeking transfer of Petition No. 123/2022 filed by respondent -husband for getting divorce, from Family Court, Akola to Family Court at Jalgaon.

2. According to the applicant, she is working as Talathi and needs to travel between Jalgaon and Amalner daily. Further, the respondent -husband has already appeared in the proceeding filed by her under the provisions of Protection of Women from Domestic Violence Act, 2005 at Jalgaon.

3. On the contrary, the learned counsel for the respondent - husband strongly opposed the application on the ground that applicant is earning lady and having habit of traveling since she is

working as a Talathi. Moreover, there is no issue begotten to applicant out of this wedlock and she is residing with her sister at Jalgaon.

4. It is significant to note that it is not the case here that the applicant is not having any independent source of income. Further, she is also not having any child which can prevent her from traveling long distances. Moreover, she is also traveling to Amalner on daily basis from Jalgaon pursuant to her job. Therefore, it is not fit case for allowing her prayer. On the contrary, subject to prevent of traveling charges, she can be asked to attend the dates which is merely 140 kms. away from Jalgaon having good facility of transport. In view of the same, following order is passed :

ORDER

- (i) The application is rejected with direction to respondent - husband to pay Rs. 1000/- to the applicant in advance on each date for which she is required to attend at Akola.
- (ii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-