

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

990 MISC.CIVIL APPLICATION NO.225 OF 2022

**SUVARNA VIAY JADHAV
VERSUS
VIJAY PRAKASH JADHAV**

...
Advocate for Applicant : Mr. Reddy Avinash M.
Advocate for Respondent : Mr. R. B. Dhakane h/f.
Mr. Dushyant Mahadev Kalyakar
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Leave to correct prayer clause 'A' by mentioning learned Family Court at Pune instead of learned Civil Judge, Senior Division, Pune.

2. Heard rival submissions. The applicant -wife is seeking transfer of Hindu Marriage Petition No. 239 of 2019 filed by respondent - husband by getting divorce, from the Court of learned Civil Judge, Senior Division, Jalgaon to the Family Court, Pune.

3. According to the applicant, she is not having independent source of income and the distance between Pune and Jalgaon is more than 300 kms. Further she is also having one son of 6½ years and therefore, it is highly difficult for her to attend the dates at Jalgaon.

4. On the contrary, the learned counsel for the respondents strongly opposed the application and submits that the respondent is settled from epilepsy and needs today heavy doses of drug. As such, the respondent is unable to travel alone. He further submitted that due to conduct of applicant, the respondent left no choice, but to file divorce petition.

5. However, it is significant to note that the applicant is not having any independent source of income and she is also having a son to look after. Further considering the distance of more than 300 kms. between Jalgaon and Pune, it would be difficult for her to attend the dates at Jalgaon. On the contrary, the respondent -husband can attend the dates at Pune only when his physical presence is required. Otherwise, he can also appear through his advocate. He is also at liberty to use the facility of Video Conferencing as and when required. In view of the same, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) Hindu Marriage Petition No. 239 of 2019 is hereby transferred from the Court of learned Civil Judge, Senior Division, Jalgaon to the Family Court, Pune for its disposal according to law.

- (iii) The respondent is at liberty to appear through his Advocate in Family Court, Pune except on the dates where his physical presence is necessary. He is also at liberty to use the facility of Video Conferencing as and when required.
- (iv) The Family Court is directed to expedite the aforesaid petition by not allowing the parties to seek unnecessary arrangements.
- (v) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-