

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

MISC. CIVIL APPLICATION NO.203 OF 2022

**SAVITA DNYANESHWAR RATHOD
VERSUS
DNYANESHWAR BABU RATHOD**

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Mr. Harshal Prakash Randhir, Advocate for Applicant
Mrs. K.A. Sethiya, Advocate h/f Mr. Akshay S. Radikar, Advocate for
Respondent

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21st SEPTEMBER, 2023

PER COURT :

1. By this application, applicant wife seeks transfer of Marriage Petition No.332/2018, pending in the Court of learned Civil Judge, Senior Division, Kalyan to the Court of learned Civil Judge Senior Division, Chalisgaon, District Jalgaon.
2. Heard learned advocate for applicant and learned advocate for respondent. Perused the memo of application and the annexures thereto.
3. It is the case of applicant that she is staying along with her parents at a remote village in Chalisgaon Taluka. Kalyan is at a distance of 310 Kms from Chalisgaon and it is very inconvenient for her to attend Court at Kalyan on each and every date. She is unable to maintain herself and therefore, she is not in a position to bear

traveling expenses to attend the Court at Kalyan. Her criminal case filed under Section 498-A, is pending at Chalisgaon, so also, the proceedings filed by her under Protection of Women from Domestic Violence Act. She therefore, prays for transfer of said proceedings to the Court at Chalisgaon.

4. Learned advocate for respondent strongly opposed the prayer on the ground that, in the proceedings pending before the Court at Kalyan, evidence of husband is already over and wife has also led her evidence. Now, the matter is pending for further evidence of wife, if any, or the matter can be posted for arguments and it can be decided within a month or two. She, therefore, submits that arguments can be advanced by the advocate for wife and her presence is not necessary for that purpose. Learned advocate for respondent also points out that proceedings filed under Protection of Women from Domestic Violence Act at Chalisgaon is disposed of.

5. Marriage Petition pending before the Court at Kalyan is of the year 2018 and the same is prolonged from time to time. On 28/02/2022, this Court at Principal Seat has passed order in favour of applicant wife, thereby granting her opportunity to cross examine respondent husband on the next date of hearing, which she had undertaken to complete within one day.

6. It is informed by learned advocate for respondent that cross examination was completed on 10/06/2022. Thereafter, wife has led her evidence and now the matter is pending for adjudication.

7. Considering these peculiar facts, since trial is almost at the fag end, this Court is not inclined to entertain the prayer of applicant. Application is therefore, dismissed.

(NITIN B. SURYAWANSHI, J.)