

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

**969 MISC.CIVIL APPLICATION NO.228 OF 2022**

SHAHUBAI BHARAT PAWAR  
VERSUS  
BHARAT UTTAMRAO PAWAR

...

Mr. Netaji Kale, Advocate for the applicant.  
Mr. K.A. Ingle, Advocate for the respondent.

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATED : 03.03.2023.**

**ORDER:-**

1. Heard the rival submissions. The applicant – wife is seeking transfer of HMP No. 72/2022 filed by the respondent- husband for getting divorce, from the Court of Joint Civil Judge (Senior Division), Vaijapur, District Aurangabad to the Court of Civil Judge (Senior Division), Ahmedpur, District Latur.

2. According to the applicant-wife, she is not having any independent source of income and she is having two daughters to look after. The distance between Vaijapur and Ahmedpur is around 400 kms. and therefore, it is highly difficult for her to attend the dates at Vaijapur since all the male members in her parental house have died and there is only an old aged mother at present.

3. On the contrary, the learned counsel for the respondent - husband strongly opposed the application by filing affidavit of reply of the respondent on the ground that the applicant is residing at Waluj and not at Ahmedpur. Moreover, she is working in one industry and having source of income. Further, respondent as well as his mother have also lodged reports against the applicant as well as her relatives about threatening and beating.

4. However, it appears that there is no supporting material to show that the applicant is residing at Waluj. On the contrary, the bailiff report produced on record by the respondent indicates that the applicant and her mother had started residing at Ahmedpur, Latur. Further, though certain complaints in form of N.C.R. are there against the applicant, but there are also complaints from applicant against the respondent husband on record. Nothing is produced on record that the applicant is having source of income. On the contrary, it appears that she is residing with her old aged mother and maintaining two daughters without any financial support of the respondent. Further, considering the absence of any male member in her house and the distance of 400 kms between Vaijapur and Ahmedpur, it seems highly difficult for the applicant to travel at Vaijapur to attend the dates. In view of

the same and considering the convenience of the applicant wife, following order is passed.

**ORDER**

- (i) The application is hereby allowed.
- (ii) HMP No.72/2022 pending in the court of Joint Civil Judge (Senior Division), Vaijapur, District Aurangabad is transferred to the Court of Civil Judge (Senior Division), Ahmedpur, District Latur for its disposal according to law.
- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Ahmedpur on or before 1<sup>st</sup> April 2023
- (iv) The application is disposed of accordingly.

**(SANDIPKUMAR C. MORE, J.)**