

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

MISC. CIVIL APPLICATION NO. 264 OF 2022

Shivganga Nagnath Barhale

Applicant

Versus

Nagnath Tejerao Barhale

Respondent

Mr. G. N. Kulkarni (Mardikar), advocate for the Applicant
Mr. A. L. Kanade, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th March, 2023.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of proceeding under Protection of Women from Domestic Violence Act bearing No.18 of 2020 filed by herself against the respondent from the Court of Judicial Magistrate, First Class, Patan, District Satara, to Family Court, Latur. She has also sought transfer of HMP No.211 of 2021 filed by the respondent-husband from the Court of Civil Judge, Senior

Division, Karad, District Satara to Family Court, Latur.

3 The learned Counsel for the applicant submits that the distance between Patan or Karad and Latur is nearly 400 Kms. Further, she is having two minor daughters which are residing at Latur along with her parents. Moreover, the applicant has also filed two proceedings at Latur – one is for getting divorce under the provisions of Hindu Marriage Act and another is a private complaint under Section 498A of the Indian Penal Code.

4 On the contrary, the learned Counsel for the respondent, by relying on the affidavit-in-reply filed by the respondent, strongly opposed the application and submitted that both the husband and wife are Assistant teachers by profession and the respondent is posted in Chiplun, District Ratnagiri, whereas, the applicant is posted at Patan, District Satara. According to him, the applicant, with an intention to harass the respondent, has filed proceedings at Latur.

5 It appears that the applicant and respondent are in service as teachers. Though it is claimed by the applicant that she is residing at Latur, but in both the proceedings filed by her, she has given her current address of Patan. She has specifically stated in the title clause of her proceedings that currently she is residing in Ganesh Colony, Malhar Peth, Tq. Patan, District Satara. Moreover, there is no dispute that the respondent is posted in Alore High School, Tq. Chiplun, District Ratnagiri.

6 Therefore, since the applicant herself has admitted her that her current residence is at Patan, District Satara, it appears that she must have filed the proceedings at Latur only to harass the respondent. It appears that the Petition filed by the respondent for restitution of conjugal rights, is sought to be transferred. On the contrary, the applicant has filed proceeding at Latur for getting divorce. Apart from this, if the matters are allowed to be remained at Karad or Patan, it would be convenient for the applicant as well as respondent to attend the dates.

7 Considering all these aspects and specially
conduct of the applicant, following order is passed:

8 Misc. Civil Application stands rejected.

(SANDIPKUMAR C. MORE)
JUDGE

adb