

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

974 MISC.CIVIL APPLICATION NO.174 OF 2017

VAISHALI MUKUND WAGHMARE
VERSUS
MUKUND BABULAL WAGHMARE

...
Advocate for Applicant : Mr.Palve (Ms.Ghule Renuka B.)
Advocate for Respondent : Mr. Sandanshiv M.B. and
Mr.K.A.Khole
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.01.2023

PER COURT :

Heard rival submissions. The applicant is seeking transfer of H.M.P. No.117/2017 filed by the respondent -husband for getting divorce from the Court of the learned Civil Judge Senior Division, Buldhana, Dist.Buldhana to Family Court, Aurangabad.

2. The learned counsel for the applicant submits that applicant has no source of income. Moreover, she is also maintaining two daughters begotten out of this wedlock with the help of her father. Moreover, she is unable to travel to Buldhana attending to the dates. On the contrary, the learned counsel for the respondent -husband strongly opposed the application by contending that various proceeding were going on between the parties earlier, but thereafter there was compromise between them and the applicant had started

residing with the respondent -husband. However, again dispute arose between them and they got separated.

3. Now, the applicant has filed proceeding of restitution of conjugal rights at Aurangabad. Moreover, the custody matter filed by the respondent -husband at Buldhana has also been transferred to Family Court, Aurangabad vide earlier order of this Court. As such, the respondent will have to attend the Court at Aurangabad and therefore, considering the convenience of the applicant, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The H.M.P. No. 117/2017 is hereby transferred from the Court of the learned Civil Judge, Senior Division, Buldhana to the Family Court, Aurangabad for disposal according to law.
- (iii) The respondent is directed to appear before Family Court, Aurangabad, on or before 01.02.2023.
- (iv) Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-