

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

975 MISC.CIVIL APPLICATION NO.281 OF 2022

**SWATI MAHENDRA MAGARE
VERSUS
MAHENDRA SAMPAT MAGARE**

...

Mr. Bhushan Dhawale, Advocate for the applicant.

Mr. Adinath Jagtap, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 17th March 2023.

ORDER:-

1. The learned Counsel for the respondent tendered on record affidavit-in-reply. Taken on record. Copy is furnished to other side.

2. Heard rival submissions. The applicant – wife is seeking transfer of HMP No. 616/2022 filed by the respondent-husband for getting divorce, from the Court of Civil Judge (Senior Division), Panvel to the Family Court at Jalna.

3. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed two proceedings; one under Section 125 of Cr.P.C. in the Family Court at Jalna and other proceeding under the provisions of Protection of Women from Domestic Violence Act

in the court of concerned Court of J.M.F.C. Jalna. The respondent husband has appeared in both the proceedings.

4. Learned Counsel for the respondent- husband strongly opposed the application by filing reply on the ground that the respondent is suffering from fracture injury and therefore, it is difficult for him to attend the dates at Jalna. In the alternative, he submits that if his proceeding is transferred to Jalna, then he may be allowed to appear there through Video Conferencing. Moreover, all the proceedings between the parties be transferred to Family Court, Jalna.

5. It is significant to note that the respondent is already attending the dates at Family Court, Jalna. Moreover, the distance between Jalna and Panvel is of 406 Kms. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No. 616/2022 pending in the Court of Civil Judge (Senior Division), Panvel is transferred to the Family Court, Jalna for its simultaneous disposal alongwith the petition filed by the applicant-wife pending therein, according to law.

- (iii) Further the proceeding filed by applicant wife under Protection of Domestic Violence Act and currently pending in the Court of concerned Judicial Magistrate (First Class), Jalna is also transferred to the learned Family Court, Jalna for convenience of the parties.
- (iv) The respondent is directed to appear before the learned Family Court, Jalna on or before 15/04/2023. The respondent is at liberty to appear in the proceedings at Jalna through his Advocate except on the dates on which his physical presence is required. He may avail the facility of Video Conferencing, if available and seek convenient date for all these three proceedings.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)