

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

967 MISC.CIVIL APPLICATION NO.296 OF 2022

**SONAL MAHESH CHAVAN
VERSUS
MAHESH BHAGWAN CHAVAN**

...
Advocate for Applicant : Mr. Patunkar Ganesh B.
Advocate for Respondent : Ms.Nilofar G. Khan h/f.
Mr. P. B. Waghmare
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.04.2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of P.A. No.1020 of 2021 filed by respondent- husband for getting divorce, from the Family Court, Pune to the Court of Civil Judge Senior Division, Aurangabad.
3. According to the applicant-wife, she is not having any independent source of income. Moreover, she had also filed petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights which was allowed by the learned Civil Judge Senior Division, Aurangabad in the year 2021 itself.
4. The learned counsel for the respondent- husband strongly submits on the basis of affidavit-in-reply filed by the respondent husband that in case there is a transfer as claimed by the applicant then the petition be transferred to Family Court, Aurangabad instead of the Court of Civil Judge Senior Division, Aurangabad which is

already over burdened. However, considering the jurisdictional issue, this cannot be done. Further, as submitted by the learned counsel for the respondent, the respondent has already filed appeal against the exparte order passed in petition of applicant for restitution of conjugal rights. Thus, it can be seen that the respondent is already appeared in the said appeal at Aurangabad and therefore, considering the convenience of applicant, following order is passed :-

ORDER

- (i) The application is hereby allowed.
- (ii) The P.A. No.1020 of 2021 pending in the Family Court, Pune is transferred to the Court of Civil Judge Senior Division, Aurangabad for disposal, according to law.
- (iii) The respondent is directed to appear before Court of Civil Judge Senior Division, Aurangabad on or before 25.04.2023. He will be at liberty to seek convenient dates for all the proceedings going on between himself and applicant.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-