

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

**987 MISC.CIVIL APPLICATION NO.298 OF 2022**

**AMRUTA ATUL BHALERAO  
VERSUS  
ATUL BAPUSAHEB BHALERAO**

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Mr. Yuvraj Kakade, Advocate for the applicant.  
Mr. Rajendra Kasar, Advocate for the respondent.

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

**DATED : 02.02.2023.**

**ORDER:-**

1. Heard rival submissions. The applicant – wife is seeking transfer of Petition A.No. 1339/2022 filed by respondent - husband for getting divorce, from the Family Court, Pune to the Family Court, Ahmednagar.
2. According to the applicant-wife, she is not having any independent source of income and she is also having 9 years old son to look after. Moreover she has also filed proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent - husband and his relatives at Ahmednagar wherein the respondent has already appeared.
3. Though the learned Counsel for the respondent husband strongly opposed the application by denying the fact

about the appearance of respondent at Ahmednagar, but the learned Counsel for the applicant has given specific date i.e. 09.11.2022 on which the respondent appeared. Even otherwise also, when the D.V. proceedings are filed at Ahmednagar, the respondent and his family members are required to attend the same. The learned Counsel for the respondent also tried to argue that since the respondent is in police service, he would hardly find the time to appear at Ahmednagar if his proceedings are transferred. However, the said fact is equally applicable to him if the petition for divorce is not transferred to Ahmednagar. Anyhow, he has already appeared at Ahmednagar in the proceeding filed by the applicant, and therefore, considering the convenience of the wife, following order is passed.

### **ORDER**

- (i) The application is hereby allowed.
- (ii) The Petition A. No. 1339/2022 is hereby transferred from the Family Court, Pune to the Family Court, Ahmednagar for its disposal according to law.
- (iii) It is also directed that the proceeding filed by the applicant-wife before the concerned J.M.F.C. Court at Ahmednagar under the provisions of Protection of Women from

Domestic Violence Act bearing Cri. M.A. No.712/2022 is also transferred to the Family Court, Ahmednagar for its simultaneous disposal alongwith the aforesaid petition A. No. 1339/2022.

- (iv) The respondent is directed to appear before the learned Family Court, Ahmednagar on or before 1<sup>st</sup> March, 2023. The respondent is at liberty to seek convenient dates for the aforesaid proceedings from the learned Family Court, Ahmednagar.
- (v) The application is disposed of accordingly.

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