

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

943 MISC.CIVIL APPLICATION NO.321 OF 2022

**ARUNA PRABHU HAMBARDE
VERSUS
PRABHU RAGHUNATH HAMBARDE**

Advocate for Applicant : Mr. Hande Avinash D.
Advocate for Respondent : Mr. Umesh Bodkhe Patil

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.04.2023

PER COURT :

Leave to correct the prayer clause 'B' by mentioning Ld. Civil Judge Senior Division, Bhokar, Dist. Nanded instead of Family Court, Nanded.

02. Heard rival submissions.

03. The applicant – wife is seeking transfer of HMP No.172 of 2022 filed by respondent- husband for getting divorce, from the Court of Civil Judge Senior Division, Khed, Dist. Ratnagiri to the Court of Civil Judge Senior Division, Bhokar, Dist. Nanded.

4. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed three proceedings in Nanded District, one under the provisions of Protection of Women from Domestic Violence Act, 2005 Act, second under Section 125 of the Code of Criminal Procedure and third one is for restitution of conjugal rights at Bhokar wherein the respondent – husband has already appeared.

5. The learned counsel for the respondent- husband strongly opposed the application on the basis of affidavit in reply filed by the respondent husband on the ground that the respondent is employee of Z.P. Ratnagiri and only 15 casual leave are available to him. Moreover, he is maintaining his son who is taking education in Navodaya School at Ratnagiri.

6. However, it is significant to note that the respondent is already attending the dates at Bhokar, Dist. Nanded in the proceedings filed by the applicant-wife. Moreover, the distance between Khed and Bhokar is more than 650 kms. Thus, it appears that it would be highly difficult for the applicant wife having no source of income to travel such distance without any financial aid from the respondent. Even if such financial assistance is provided then also considering the fact that applicant is a lady, it would be highly difficult for her to attend the dates at Ratnagiri. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The HMP No.172 of 2022 pending in the Court of Civil Judge Senior Division, Khed, Dist. Ratnagiri is transferred to the Court of Civil Judge Senior Division, Bhokar, Dist. Nanded for its simultaneous disposal alongwith the petition filed by the applicant-wife u/s. 9 of Hindu Marriage Act, pending therein, according to law.

(iii) The respondent is directed to appear before Court Civil Judge Senior Division, Bhokar on or before 25.04.2023. He will be at liberty to seek convenient date for all the proceedings pending between himself and applicant from the concerned Courts at Bhokar.

(iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-