

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

953 MISC.CIVIL APPLICATION NO.327 OF 2022

SAPNA GANESH PAITHANKAR
VERSUS
GANESH GHANSHAM PAITHANKAR

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Advocate for Applicant : Mr. Patil Ujwal Subhash

Advocate for Respondent : Mr. A. R. Ingle

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 15/06/2023.**

P. C. :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of Petition No.A-366 of 2021 filed by respondent- husband for getting divorce from Family Court, Nashik to the Court of Civil Judge (S.D.) Aurangabad.
3. According to the applicant-wife, she is not having any independent source of income. She is maintaining her four years old daughter without any financial assistance from the respondent husband. Moreover, she has also filed proceeding under PWDV Act in the court of JMFC, Fulambri, wherein the respondent – husband has already appeared.
4. The learned counsel for the respondent- husband strongly opposed the application on the basis of affidavit in reply filed by the respondent husband. However, in the alternative he sought certain concession for the respondent in respect of appearance before the concerned court at Aurangabad through video conferencing.
5. However, it is significant to note that the respondent is already attending the dates at Fulambri and considering the fact

that applicant is not having any source of income, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-366 of 2021 pending in Family Court, Nashik is transferred to the Court of Civil Judge (S.D.), Aurangabad for disposal according to law.
- (iii) The respondent is directed to appear before Court CJSD, Aurangabad on or before 01/07/2023.
- (iv) The respondent husband is at liberty to appear in the aforesaid proceed through his advocate except on the dates where his physical presence is necessary. He is also at liberty to avail facilities of video conferencing, if available.
- (v) The applicant shall not take unnecessary adjournments and the learned CJSD, Aurangabad shall decide the matter as early as possible.
- (vi) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)