

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

985 MISCELLANEOUS CIVIL APPLICATION NO. 29 OF 2023

POOJA BHUPENDRA AGRAWAL
VERSUS
BHUPENDRA MUKUNDLAL AGRAWAL

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Ms. A.S. Jadhav – Advocate for Applicant

Ms. H.M. Manglani h/f. Mr. S.R. Vakil – Advocate for
Respondent

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 16th June, 2023

PER COURT :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of Hindu Marriage Petition No. 138 of 2022 filed by respondent – husband for dissolution of marriage from the Court of Civil Judge Senior Division, Nandurbar to the Family Court, Jalna.
3. According to the applicant – wife, she is not having any independent source of income and after filing of aforesaid petition by the respondent – husband she has also filed one proceeding under Section 125 of Criminal Procedure Code at

Jalna, wherein the respondent is yet to be served.

4. On the contrary, learned Counsel for the respondent strongly oppose the application on the ground that, the applicant – wife intentionally filed false proceeding at Jalna and that too after filing of the aforesaid petition by the husband, to secure order of transfer from this Court. However, in the alternative she suggested that, if this Court comes to conclusion that, the transfer as prayed by the applicant – wife is required then the respondent – husband be granted with liberty to seek convenient dates for all the pending proceedings between himself and the applicant.

5. It is significant to note that, the respondent – husband will have to attend the proceedings at Jalna filed by the applicant – wife after service of notice. Therefore, considering the distance between the Nandurbar and Jalna it would be convenient to applicant – wife, if the petition filed by the respondent – husband is transferred to Jalna from Nandurbar. In view of the same, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Hindu Marriage Petition No. 138 of 2022 pending in the Court of Civil Judge Senior Division, Nandurbar is hereby transferred to the Family Court at Jalna for its simultaneous disposal alongwith the petition filed by the wife for getting maintenance bearing No. E-48 of 2023, according to law.
- (iii) The respondent is directed to appear before the Family Court, Jalna on or before 22nd June, 2023.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE