

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

969 MISC.CIVIL APPLICATION NO.241 OF 2017

**SAVITA ANAND RATHOD
VERSUS
ANAND DHONDIRAM RATHOD**

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Advocate for Applicant : Ms. Shivani D. Jayabhar h/f.
Mr. Jayabhar Dattatraya R.
Advocate for Respondent : Mr. S. R. Andhale h/f.
Mr. Ambetkar Arvind G.

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Leave to correct prayer clause 'C' by mentioning Family Court Ahmednagar instead of Civil Judge, Senior Division at Ahmednagar.

2. Heard rival submissions. The applicant is seeking transfer of Marriage Petition No. 957/2017 filed by respondent -husband for getting divorce, from the Court of Civil Judge, Senior Division, Kalyan to the Family Court, Ahmednagar.

3. According to the applicant, she is not having independent source of income and the distance between Kalyan and Ahmednagar

is about 300 km. and therefore it is highly difficult for her to attend the dates at Kalyan. Moreover, she has also filed Criminal M.A.No.43/2022 for execution of order under the provisions of Protection of Women from Domestic Violence Act, 2005 passed in her favour. Further, one petition is also going on in Family Court, Ahmednagar, for recovery of maintenance amount.

4. The learned counsel for the respondent -husband relying upon the reply strongly opposed the application on the ground that the criminal prosecution lodged under section 498-A of the Indian Penal Code against the respondent has already been transferred by this Court from Ahmednagar to Ulhasnagar and therefore, there is no substance in the application. However, he fairly submits that the respondent has preferred appeal against the order under the provisions of Protection of Women from Domestic Violence Act, 2005 passed against him in the Sessions Court, Ahmednagar. Thus, it appears that the respondent will have to appear at Ahmednagar frequently in view of the proceedings filed by the applicant and also the proceeding filed by him. Therefore, considering the convenience of the wife, following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) Marriage Petition No. 957/2017 is hereby transferred from the Court of Civil Judge, Senior Division, Kalyan to the Family Court, Ahmednagar for disposal according to law.
- (iii) The respondent is directed to appear before the Family Court, Ahmednagar, on or before 14.03.2023.
- (iv) The respondent is at liberty to seek convenient dates for all the proceedings going on at Ahmednagar between himself and the applicant.
- (v) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-