



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 14 OF 2024

VARSHA W/O AJINKYA NIMBALKAR
VERSUS
AJINKYA S/O RAVINDRA NIMBALKAR

Mr. A R. Lukhe, Advocate for the applicant
Mr. Joslyn A. Menezes, Advocate for the respondent

CORAM : R. M. JOSHI, J.
DATE : 27th JUNE, 2024

PER COURT :-

1. This application is for transfer of Marriage Petition bearing No. 271 of 2023 filed by respondent-husband in the Court of Civil Judge, Senior Division at Aurangabad seeking decree of divorce against the applicant under Section 13(1A) of the Hindu Marriage Act.
2. Applicant contends that she is resident of Sashth Pimpalgaon, Tq. Ambad, Dist. Jalna. Learned counsel for the applicant submits that the said place is the small village wherein there is no connectivity even to the taluka place directly. It is his submission that the applicant is required to travel to Shahagad and from there she can come to Ambad. Thereafter she will be required to travel about 60 to 65 km from Ambad to Chhatrapati Sambhajnagar to attend the proceedings filed by the husband. It is submitted that being lady and having responsibility and to

take care of parent, she find it difficult to attend the said proceedings and hence transfer of the proceeding is sought.

3. Learned counsel for the respondent opposed the said contention by drawing attention of the Court to the fact that in the proceedings filed by the husband applicant/wife filed written statement which indicates that there is no inconvenience to her to attend the proceedings.

4. It is not in dispute that Criminal M.A. bearing No. 422/2023 filed under Section 125 of the Code of Criminal Procedure as well as the proceedings under Section 9 of Hindu Marriage Act for the restitution of conjugal rights being HMP No. 110 of 2023 filed by the wife are pending in the Court at Ambad. The respondent-husband, therefore, will be required to attend the said proceeding at Ambad. In such circumstances, no prejudice will cause to the husband if the Marriage Petition bearing No. 271 of 2023 is transfer to CJSD, Ambad.

5. In view of the above discussion, application is allowed in terms of prayer clause 'B'.

6. However, in order to avoid causing of any inconvenience to

the respondent, the Courts at Ambad are directed to keep the proceedings bearing No. Criminal M.A. 422/2023, Marriage Petition No. 110/2023 and Marriage Petition No. 271/2023 on the same date. Parties are directed to appear before CJSD, Ambad on 22nd July, 2024.

(R. M. JOSHI, J.)

ssp