



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

53 MISC.CIVIL APPLICATION NO. 49 OF 2024

Mrs. Asmita Mukund Sonwane
(nee Asmita Haribhau Surse)

....Applicant

VERSUS

Mukund Ganagadhar Sonwane

.....Respondent

.....

Mr. Y. L. Bidve, Advocate for Applicant

CORAM : R. M. JOSHI, J.

DATE : 11th NOVEMBER, 2024.

PER COURT :

1. None for the Respondent. On last date of hearing, by way of indulgence, time was granted. Absence of Respondent indicates that Respondent is not interested in opposing the application.

2. Applicant is a lady who seeks transfer of HMP No. 2221/2022 pending before Court of Civil Judge Senior Division, Kalyan to Family Court, Chhatrapati Sambhajanagar. It is her contention that she is legally wedded wife of Respondent and the said marriage was solemnised on 02.02.2017. Applicant claims that she is a home makers and has responsibility of her minor son aged about

5 years. She further claims that it is practically not possible for her to appear in the marriage proceeding before the Court at Kalyan which is at a distance of about more than 300 kms. It is also claimed that the proceedings under Protection of Women from Domestic Violence Act filed by the applicant against respondent are pending before Court of Judicial Magistrate First Class, Chhatrapati Sambhajanagar.

3. Learned counsel for applicant submits that no prejudice will be caused to the respondent if the said proceeding is transferred from Kalyan to Chhatrapati Sambhajanagar, as in any case, respondent is required to attend the proceedings filed by the applicant at Chhatrapati Sambhajanagar.

4. As indicated above, absence of Respondent shows that he has no intention to oppose the application. Apart from this, applicant has made out a case that prejudice will cause to her if she is called upon to attend the said proceeding in the Court at Kalyan. There is every possibility of she being denied fair and reasonable opportunity on the count of the said inconvenience caused to her and hence application is allowed.

5. In order to ensure that respondent is not harassed, applicant to take adjournment in the proceeding under Domestic Violence Act on the same date on which HMP No. 2221/2022 is scheduled for hearing.

(R. M. JOSHI)
Judge

dyb