



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

1006 MISC.CIVIL APPLICATION NO. 44 OF 2024

Rekha Wo Ramesh Khandare

VERSUS

Ramesh Sambhaji Khandare

...

Advocate for Applicant : Mr. Jadhav Arvind Gangadhar

Advocate for Respondent : Mr. Abid R. Shaikh

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 30, 2024

PER COURT :-

1. By the present application, the applicant prays for the transfer of Hindu Marriage Petition No. A-84/2023 from Family Court-II, Yavatmal, District Yavatmal, to the Civil Judge, Senior Division, Basmath, District Hingoli.

2. Heard the learned advocate for the applicant. He submits that the respondent husband filed HMP No. A-84/2023 in Family Court-II, Yavatmal, seeking divorce. The applicant married the respondent on 11/06/1995. They have two children, who are now adults and residing with the respondent/husband. The applicant resides in Basmath, District Hingoli. The distance between Basmath and Yavatmal is 200 kilometers, making it difficult for the applicant to attend the divorce proceedings in Yavatmal. The applicant has no independent source of income.

3. The learned advocate for the applicant further submits that there are pending Domestic Violence proceedings under PWDVA No. 13/2022

and proceedings for maintenance under Section 125 Cr.P.C. initiated at Basmath, which the respondent husband is attending. He also submits that the applicant wife is a housewife, dependent on her family members.

4. Per contra, the learned Advocate for respondent submits that the husband is doing day to day service and it would be difficult for him to conduct the proceeding at Basmath.

5. Having heard the learned Advocate appearing for the parties, I hold that it would be inconvenient for the applicant to attend the proceeding at Yavatmal as she has no independent source of income. So also the respondent husband is attending the proceedings filed by the applicant wife at Basmath, as such the transferred proceedings can also be conducted at Basmath. Prayer Clause 'B' of the application reads as under : -

'B) By issuing appropriate order or directions, the Hindu Marriage Petition No.A-84/2023 pending before the Court of Ld. Family Court - II, Yavatmal, Dist. Yavatmal may kindly be transferred to the Court of Ld. Civil Judge, Senior Division, Basmath, Dist. Hingoli.'

6. In view of the above, the application is allowed in terms of prayer Clause 'B' as above.

7. However, it is directed that on the transfer of the petition, the applicant wife shall not seek adjournments in the matter unnecessarily. In the event, she seeks adjournment, she would inform the Advocate for the husband in advance so as to avoid inconvenience to the husband. The Courts at Basmath to provide video conferencing facilities to the husband to conduct the proceedings from Yavatmal, if possible.

8. The parties to take common dates in all the matters pending in between them as far as possible. With above observation, the application is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.