



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

107 MISC.CIVIL APPLICATION NO. 106 OF 2024

SAU. KOMAL DHEERAJ SHINDE
VERSUS
DHEERAJ RANGRAO SHINDE

...
Advocate for Applicant : Ms. Kirti Deshpande h/f. Mr. M.M. Bhokarikar
Advocate for Respondents : Mr. Pramod P. Dhorde
...

CORAM : ARUN R. PEDNEKER, J.
Dated : October 07, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By the present application, the applicant/wife seeks transfer of the divorce proceedings initiated by the respondent/husband in Family Court, Nashik to the Family Court at Jalgaon.
3. The learned counsel for the applicant/wife submits that applicant/wife married with respondent on 18.1.2020 and that on account of certain matrimonial disputes, she is residing with her parents at Jalgaon. The learned counsel submits that at the moment, wife has no independent source of income, hence, she has filed proceedings under section 125 of Cr.P.C. for maintenance in the Court at Jalgaon in which orders are passed which are not complied by the husband. The learned counsel submits that it would be difficult for the wife to defend the divorce proceeding filed by the husband at Nashik Court. The learned counsel submits that the wife has also filed proceedings under Domestic Violence Act in the Court at Jalgaon

and that the interim application filed by the wife is rejected, however, the said proceeding is still pending. The learned counsel submits that the husband is appearing in those proceedings at Jalgaon Court. The learned counsel therefore seeks transfer of the divorce proceeding filed by the husband to Jalgaon Court. She submits that if the proceeding filed by the husband is transferred at Jalgaon, all the proceedings can be held at one place and common dates can be given in all the proceedings.

4. Per contra, the learned counsel for the husband/respondent submits that the proposal for mediation is refuted by the wife on the ground that the respondent/husband is not complying the maintenance order and that the wife submitted that if maintenance order of Rs.10,000/- p.m. granted by J.M.F.C. is honoured by the respondent, then only she will attend the mediation proceeding. The learned counsel for the respondent assures this Court that the husband would pay all the balance maintenance amount to the wife granted under the proceeding filed under section 125 of Cr.P.C. and as such, this matter can be referred to mediation without consent of the wife. Lastly, the learned counsel prays for rejection of the application.

5. Considering the submissions and the facts that the wife has no source of independent income, she has filed two proceedings at Jalgaon Court and that the husband is not paying regularly monthly maintenance to the wife, the divorce proceeding filed by the husband needs to be transferred to family Court Jalgaon.

6. In view of the above, the application is allowed and disposed of in

terms of prayer clause "B", which is as under :-

"b. The petition for divorce filed in Hon. Family Court, Nashik as Petition No. A 838/2023 by respondent may kindly be transferred to Hon. Family Court, Jalgaon for its final decision."

(ARUN R. PEDNEKER, J.)

ssc/