



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

971 MISC.CIVIL APPLICATION NO. 136 OF 2023

PAYAL W/O RAHUL JAISWAL
VERSUS
RAHUL VIJAYKUMAR JAISWAL

...
Advocate for Applicant : Mr. Jain Vishwajeet Ramesh
None present for respondent.

...
CORAM : ARUN R. PEDNEKER, J.

Dated : April 16, 2024

PER COURT :-

1. By the present application, the applicant prays for transfer of HMP No.47/2022 from 3rd Jt. Civil Judge, Senior Division Jalna to Family Court, Aurangabad.
2. The respondent after being served and appeared through Advocate, thereafter not entered his appearance in the matter. Thereafter, fresh notice was issued to the respondent and the same is served, however, he has not caused his appearance in the proceedings.
3. Heard the learned Advocate for the applicant. He submits that the applicant married with respondent/husband and out of the said wedlock parties have two year old child. He submits that on account of certain disputes between the applicant and the respondent/husband, the applicant is residing with her parents at Aurangabad, and the respondent/husband has filed HMP No.47/2022 at Civil Judge, Senior Division, Jalna. Distance between Jalna to Aurangabad is 60 kilometers. The applicant has no independent income and depend on her parents. She has initiated Domestic Violence proceeding before the Judicial Magistrate First Class, Aurangabad and respondent is attending the same. The respondent is a

businessman selling construction material and has sufficient means to conduct the proceeding at Aurangabad.

4. Prayer Clause 'B' of the application reads as under : -

"B] By issuing appropriate order or directions in the like nature, the proceeding bearing HMP No.47/2022 pending before the 3rd Civil Judge, Senior Division, Jalna may kindly be transferred to Family Court at Aurangabad."

5. In view of the submissions canvassed, more particularly that the applicant is custodian of two years child and that she has no independent source of income and is depending on her parents to survive, the Civil application is allowed in terms of prayer Clause 'B' as above.

6. HMP No.47/2022 pending before 3rd Civil Judge, Senior Division, Jalna is transferred to Family Court at Aurangabad. 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.

7. 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/-.