



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

**949 MISC.CIVIL APPLICATION NO. 155 OF 2019**

Asha Baburao Pawale

....Applicant

**VERSUS**

Baburao Namdeo Pawale

.....Respondent

.....

Advocate for Applicant : Ms. Ankita Mantri

.....

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

**Dated : January 30, 2024**

**PER COURT :-**

1. Though served, none appears for the respondent/husband.
2. By way of present MCA, the applicant/wife is seeking transfer of the Marriage Petition No. 1254/2018 filed by the respondent/husband for divorce before the Civil Judge, Senior Division, Pune to the court of Civil Judge, Senior Division, Beed.
3. The learned counsel for the applicant submits that applicant got married with the respondent on 24.3.2011 at Beed and earlier applicant was staying with her husband at Pune. The learned counsel submits that due to some disputes, after illtreating the applicant, she was driven out of the house by the respondent and therefore, at present, the applicant is living with her mother and uncle at Beed.
4. The learned counsel submits that applicant has filed application under section 125 of the Cr.P.C. for maintenance at Beed and the respondent/husband is attending the said proceeding at Beed. The learned counsel submits that the applicant is housewife, she has no independent source of income and therefore, it is very difficult for the applicant to defend the proceeding filed by the husband for divorce at Pune as it is very inconvenient for the applicant to attend and defend the said proceeding in the court at Pune. The learned counsel submits that the respondent is in

transport business and he is attending and defending the proceeding filed by wife under section 125 of Cr.P.C. at Beed Court and in view of the same, the learned counsel prays for transfer of Marriage Petition No. 1254/2018 filed by the respondent/husband for divorce before the Civil Judge, Senior Division, Pune to the court of Civil Judge, Senior Division, Beed.

5. The learned counsel also prays to direct the C.J.S.D., Beed that the dates for both the proceeding, if possible, can also be given on the same day so that it will be convenient for applicant and respondent to attend the same.

6. Considering the above submissions of the learned counsel for the applicant, I hold that if the above proceeding filed by the husband is not transferred to the court at Beed, the applicant/wife will suffer hardship as she has no independent source of income, she is housewife and living at Beed at the mercy of her mother and uncle. In view of the discussion made above, the MCA is allowed in terms of prayer clause 'B' which is as under :-

'B. The Marriage Petition No. 1254 of 2018 filed by the respondent/ husband under the provisions of Sec. 13 (1) (i) (a) & (i) (b) of the Hindu Marriage Act, 1955, seeking divorce and pending adjudication before Hon'ble Civil Judge, Senior Division, Pune may kindly be transferred to the Hon'ble Civil Judge, Senior Division at Beed;'

7. The learned Civil Judge, Senior Division, Beed, where the above matter is transferred may consider the request of the respondent, if made, to permit him to attend and conduct both the proceedings by video conferencing from the Court at Pune.

8. The MCA is disposed of with above directions.

( ARUN R. PEDNEKER, J. )

ssc/