



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

MISC. CIVIL APPLICATION NO. 285 OF 2021

Pooja Subodh Mandge

.. Applicant

Versus

Subodh Pradip Mandge

.. Respondent

Mr. Sandesh R. Patil, Advocate for the Applicant.

Mr. A. H. Dhupe, Advocate for Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 15th FEBRUARY, 2024.

PER COURT :-

. Heard learned counsel for the parties.

2. The present application is filed seeking transfer of the divorce proceedings filed by the respondent – husband bearing Petition No. A. 255/2021 before the Family Court at Aurangabad to Family Court at Jalgaon.

3. Learned advocate for the applicant submits that, the distance between two places is 150 km. and there are two proceedings pending in the Jalgaon Court, one is under the Protection of Women from Domestic Violence Act (for short “D.V. Act”) and another is criminal proceeding under Section 498-A of the Indian Penal Code (for short

“I.P.C.”). He submits that, the applicant has custody of six years old child and she is staying with her parents.

4. Learned counsel appearing for respondent submits that, the husband is working in the service division of automobile industry and the applicant has also filed an application in the divorce proceedings under Section 24 for interim maintenance and the husband is paying maintenance of Rs. 6,000/- (Rs. Six Thousand only) per month. He also relies upon the judgment in the case of Reema Sethi Vs. Deepak Sethi reported in (2005) 11 SCC 568 wherein, the Supreme Court had directed the husband to give travelling expenses to the wife to attend the proceedings.

5. In the instant case, there are two proceedings under the D.V. Act and under Section 498-A of the I.P.C. filed before the Court at Jalgaon. The husband is already attending these two proceedings at Jalgaon and in the event the divorce proceedings are also transferred to Jalgaon, the same can be taken up as far as possible on the same dates for convenience of parties.

6. The mother has custody of six years old child. In these circumstance, I deem it appropriate to transfer the proceedings from the Family Court, Aurangabad to Family Court, Jalgaon. However, in

the event the respondent – husband makes a request to the Family Court at Jalgaon to permit him to conduct the proceedings through Video Conferencing (V.C.) from the Court at Aurangabad, the same request to be considered favourably by the Family Court, Jalgaon. The Family Court, Aurangabad to provide necessary facility to the respondent – husband to appear in Jalgaon Court from Aurangabad, if such facility is available in the Aurangabad Court. It is further directed that the applicant – wife shall not seek any adjournment in the transfer proceedings when the respondent – husband has to appear in-person in the proceedings at Jalgaon. If she has to seek any adjournment, prior intimation will be given to the husband so as to avoid inconvenience to the husband of travelling.

7. With these observations, the misc. civil application is allowed in terms of prayer clause (A). The misc. civil application is disposed of.

(ARUN R. PEDNEKER, J.)

PS.B.