



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

MISC. CIVIL APPLICATION NO. 329 OF 2023

Kavita Vijay Lohare
@ Kavita Shivaji Dhone

.. Applicant

Versus

Vijay Vishnu Lohare

.. Respondent

Mr. Angad L. Kanade, Advocate for the Applicant.

Ms. Pallavi P. Wangikar, Advocate h/f Mr. R. V. Gore, Advocate for Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 15th FEBRUARY, 2024.

PER COURT :-

. Heard learned counsel for the parties.

2. The applicant seeks transfer of the divorce proceedings filed by the respondent – husband before the Civil Judge Senior Division, Aurangabad to Civil Judge Senior Division, Ambad, District Jalna.

3. Learned counsel for the applicant submits that, the applicant married with respondent – husband on 10.07.2019. On account of certain disputes in marital life she is residing with her mother at Murma (Kh.), Village Ghansawangi which is close to Ambad. Learned advocate submits that, the applicant is unemployed and is depending

on her mother for her survival. He further submits that, the husband is a labourer earning income and he is in a position to travel to Ambad to conduct the divorce proceedings. He also submits that, the applicant has also instituted the proceedings under the Protection of Women from Domestic Violence Act (for short “D.V. Act”) and under Section 125 of the Code of Criminal Procedure (for short “Cr.PC.”) at Ghansawangi. The husband has to travel to Ghansawangi. He submits that, the husband is already travelling to Ghansawangi, all the matters can be taken on the same date as far as possible so as to make it convenient to the husband and the divorce proceedings be transferred to Ambad.

4. Per contra, learned counsel for the respondent – husband submits that, the travel time between the village of the applicant and Aurangabad is of two and half hours and that the applicant – wife can travel that on the same date to attend the proceedings at Aurangabad.

5. Having regard to the circumstances and fact that, the proceedings are already pending at Ghansawangi, it would be appropriate to transfer the proceedings filed by the husband at Aurangabad to Ambad. The applicant – wife to co-operate with the proceedings transferred to Ambad and not to seek adjournment when

the husband has to travel to Ambad. The divorce proceedings and proceedings under Sections 125 of the Cr.P.C. to be taken up on the same date as far as possible. In the event, the respondent – husband applies to the Court at Ambad to permit him to conduct the proceedings through Video Conferencing (V. C.) at Aurangabad, the Court at Ambad to take necessary steps. The Court at Aurangabad to provide necessary facility to the respondent – husband to appear in Ambad Court and to enable him to appear through V. C.

6. With the above observations, the misc. civil application is allowed in terms of prayer clause (B). The misc. civil application is disposed of.

(ARUN R. PEDNEKER, J.)

P.S.B.