



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

73 MISC. CIVIL APPLICATION NO. 338 OF 2023

Sow Madhavi Laxmikant Jayebhaye

VERSUS

Laxmikant Dadarao Jayebhaye

...

Advocate for Applicant : Mr. G.R. Syed a/w. Mr. D.M. Shinde

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 20, 2024

PER COURT :-

1. Heard the learned counsel for the applicant/wife.
2. The learned counsel submits that applicant/wife got married with respondent/husband on 6.6.2015. The applicant/wife is housewife, staying with her parents on account of some material dispute with her husband. There are two proceedings initiated by the applicant against the respondent at Hingoli, one is under the Domestic Violence Act and another is under section 13 of the Hindu Marriage Act. The husband has initiated proceeding bearing HMP No. 111/2023 before the Civil Judge, Senior Division, Kandhar, which is around 150 k.m. away from Hingoli. The learned counsel further submits that the respondent is in business and is in a position to conduct the said proceedings at Hingoli if transferred.
3. Though served, the respondent has not appeared.
4. Taking into consideration the above facts, the applicant being the housewife, having no independent source of income and two proceedings are initiated by the applicant/wife at Hingoli, it would be more appropriate to transfer HMP No. 111/2023 filed by the respondent/husband before the Civil Judge, Senior Division, Kandhar to Civil Judge, Senior Division, Hingoli.

In view of the same, the application is allowed in terms of prayer clause 'B', which is as under :-

B. The proceedings of petition bearing HMP No. 111/2023 pending before Hon'ble Civil Judge Senior Division At. Kandhar may kindly be withdrawn from the file of Hon'ble Civil Judge Senior Division At.Kandhar and the same may kindly transferred to the court of Civil Judge Senior Division, Hingoli or any other competent Civil Court At.Hingoli for its disposal according to law.

5. Applicant/wife is directed to cooperate in the proceedings of the husband transferred at Hingoli and as far as possible, all the proceedings filed by the parties be conducted on one day so as to avoid inconvenience to the husband. In the event, the applicant wife wants to seeks adjournment she has to inform the other side about the same in advance.

6. With the above observations, MCA is disposed of.

(ARUN R. PEDNEKER, J.)

ssc/