



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

105 MISC. CIVIL APPLICATION NO. 389 OF 2023

SMT KOMAL@POOJA PANKAJ JADHAV

VERSUS

PANKAJ SANJAY JADHAV

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Advocate for Applicant : Mr. Mewara Rajesh Hazarilal

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CORAM : ARUN R. PEDNEKER, J.

Dated : October 07, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By the present application, the applicant/wife seeks transfer of the proceeding filed by the husband before Family Court at Ahmednagar to the Court of Civil Judge, Senior Division, Kopergaon.
2. The learned counsel for the applicant/wife submits that applicant married with the respondent on 24.6.2016 and that there are two children out of the said marriage and both the children are in the custody of the applicant/wife. The learned counsel further submits that the applicant along with the minor children are staying with the parents of applicant in Kopergaon. The learned counsel submits that the wife has initiated the proceedings under the Domestic Violence Act in the Court at Kopergaon. The learned counsel further submits that the distance between the Ahmednagar and Kopergaon is 120 k.m. and it would be difficult for her to defend the divorce proceeding filed by the husband at Ahmednagar. He further submits that the respondent is in service at Ahmednagar and no hardship will be caused to the husband, if the proceeding is transferred at Kopergaon.

3. Though served, none appeared for the respondent/husband. Considering that the applicant has custody of two minor children and that she has no source of income and she is staying with her parents and the D.V. proceeding is pending in Kopargaon Court, it would be more appropriate to transfer the proceeding filed by the husband to the Court of Civil Judge, Senior Division, Kopargaon. In view of the same, the application is allowed and disposed of in terms of prayer clause 'B', which is as under :-

"B) By way of appropriate order or directions in the like nature, the Hon'ble Court may kindly transfer the proceeding bearing Petition A No. 170 of 2023 pending in the file of Ld. Family Court, Ahmednagar to the Ld. Civil Judge, Senior Division, Kopargaon or competent court at Kopargaon."

(ARUN R. PEDNEKER, J.)

ssc/