



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 MISC.CIVIL APPLICATION NO. 396 OF 2023

SOU SONAL W/O SWAPNIL JADHAV @ SONAL PRASAD
BHINGARFIVE

VERSUS

SWAPNIL S/O ASHOK JADHAV

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Advocate for Applicant : Mr. Kasar Rajendra Sudam
Advocate for Respondent No.1 : Mr. Anand V. Patil (Indrale)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06th MAY, 2024

PER COURT:

1. Heard.
2. By the present application the applicant is seeking transfer of the divorce proceedings filed by the respondent husband bearing petition no.A/2112/2023 from the family court at Pune to the family court at Ahmednagar.
3. The learned counsel for the applicant submits that the marriage was solemnized at Ahmednagar, on 03.05.2015 and out of the wedlock the child was born, on 23.04.2017. The applicant is taking care of the child and due to certain matrimonial dispute the applicant is now residing with her parents at Ahmednagar. Proceedings are filed by the wife / applicant bearing Criminal M. A. No. 1054/2023 under the

provisions of the Protection of Women From Domestic Violence Act, 2005 before the J.M.F.C., Ahmednagar against the respondent, on 03.11.2023. The respondent husband has also filed Hindu Marriage Petition No. A-2112/2023 in the family court at Pune under section 13(1)(i-a) of the Hindu Marriage Act, 1955 for the dissolution of the marriage and for decree of divorce on the flimsy grounds and the applicant is seeking transfer of the same to the family court at Ahmednagar. The learned counsel for the applicant / wife submits that the applicant has custody of the minor child and she is dependent on her parents. The learned counsel submits that the husband is in service and would be able to conduct the proceedings at Ahmednagar. The distance between Ahmednagar and Pune is about 125 Kms.

4. Per contra the learned counsel for the respondent / husband submits that the distance between Pune to Ahmednagar is not much and the applicant / wife can appear and conduct the proceedings at Pune.

5. However, taking into consideration that the applicant / wife is taking care of her minor child and another proceedings under the D.V. Act are already filed in the matter at Ahmednagar, it would be more appropriate that the divorce proceedings be transferred to the Ahmednagar. However, on transfer, it is directed that as far as possible in both the proceedings common dates would be taken by the parties. It is

further directed that the applicant / wife would not take unnecessary adjournments in the transferred proceedings and if she takes adjournment she will intimate the same to the respondent / husband well in advance so as to avoid the inconvenience to the respondent / husband of travel to conduct the proceedings. It is also further directed that wherever possible the court at Ahmednagar will also enable the respondent / husband to appear through video conferencing from the court at Pune.

6. With the above directions, the Miscellaneous Civil Application is allowed in terms of prayer clause "A". It is further directed that the family court to decide the transferred proceedings as expeditiously as possible.

[ARUN R. PEDNEKER, J.]

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