



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

MISC. CIVIL APPLICATION NO. 7 OF 2020

Mayuri Parmeshwar Rathod,
age 22 years, Occ. : housewife,
presently residing at
C/o Kavita Jaising Chavan,
Flat No.41/P, Gat No.88, Behind
Tirupati Complex, High Court Colony,
Satara Parisar, Aurangabad,
District Aurangabad.

.. APPLICANT

VERSUS

Parmeshwar Bhagwan Rathod,
age 24 years, Occu. : Labour,
R/o. Jayakwadi Tanda,
Tq.Majalgaon, District Beed.

.. RESPONDENT

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Adv.Sujit R.V. h/f. Adv.Menezes Joslyn for the applicant
Adv.K.R.Yadav h/f. Adv.S.J.Salunke for the respondent

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07.02.2024

ORDER :

1] The present application is filed seeking transfer of H.M.P.No. 107 of 2019 from the Civil Judge Senior Division, Majalgaon, District Beed to the Family Judge, Family Court at Aurangabad.

2] It is the case of the applicant that the applicant

and respondent got married at Aurangabad on 12.06.2017. The applicant was harassed and driven out of the matrimonial house. The applicant is staying with her parents at Aurangabad. Thereafter, the applicant has initiated proceedings under Protection of Women from Domestic Violence Act, 2005 against the respondent – husband. The applicant has also lodged a complaint under Section 498A of the Indian Penal Code. It is the case of the applicant that the respondent thereafter filed a Hindu Marriage Petition No.107 of 2019 before the Civil Judge Senior Division, Majalgaon under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 seeking divorce. It is further the case of the applicant that the distance between Majalgaon and Aurangabad is around 150 kilo meters and that one family member will have to accompany with the applicant to attend the proceedings at Majalgaon. As such, it is highly inconvenient for the applicant to attend the proceedings at Majalgaon on every date. The applicant has old age mother and there is no one else in her family to accompany her on each and every date. The applicant has no source of income. It is the case of the applicant that the financial condition of the respondent is very good and he is a businessman. Considering the said fact, the present application may be allowed.

3] Per contra, the learned counsel for the respondent submits that the proceedings filed by the

applicant wife at Aurangabad is already dismissed for non prosecution. As such, no purpose would be served, transferring the proceedings at Majalgaon to Aurangabad.

4] Having heard the learned counsel for the parties. The fact that the proceedings filed by the applicant-wife at Aurangabad is already dismissed for non prosecution, will have no bearing on the present petition. In the facts of the present case, I hold that it would be inconvenient for the applicant – wife to travel to Majalgaon from Aurangabad to defend the divorce proceedings as she is staying with her old age mother and that the applicant has no independent source of income. The respondent is in a position to conduct the proceedings at Aurangabad.

5] In view of the above, the application is allowed in terms of prayer clause-B, which reads as under :

B. That this Hon'ble Court may be kindly pleased to pass an Order thereby transferring H.M.P. No.107 of 2019 filed by the respondent and pending before the Ld. Civil Judge, Senior Division, Majalgaon, District Beed to the court of Ld. Family Judge, Family Court, Aurangabad, at Aurangabad;

However, liberty is granted to the respondent – husband to apply to the Family Court at Aurangabad to permit him to conduct the proceedings by video conferencing from the Family Court from Majalgaon. The Family Court at Aurangabad to consider request of the respondent, if made, favourably and the Family Court at Majalgaon to provide necessary facilities to the respondent to appear through video conferencing from the Majalgaon Court, if possible.

6] With the above directions, the present application is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC