



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

983 MISC.CIVIL APPLICATION NO. 202 OF 2024

Komal W/o Laxman Waghmare @ Komal D/o Kalyan Nisargandh

VERSUS

Laxman Mahadeo Waghmare

...
Advocate for Applicant : Mr. Jethliya Dhiraj R.
Respondent is Served with Notice.

...

CORAM : ARUN R. PEDNEKER, J.

Dated : October 18, 2024.

PER COURT :-

1. By the present application, the applicant prays for transfer of Marriage Petition No.405/2022 from Civil Judge, Senior Division, Aurangabad to Civil Judge, Senior Division, Pune.
2. Heard the learned Advocate for the applicant. He submits that the respondent husband filed Marriage Petition No. 405/2022 in the Civil Judge, Senior Division, Aurangabad, for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The applicant married the respondent on 04/06/2021, and due to certain matrimonial disputes, she is currently residing with her mother in Pune. She submits that the respondent filed divorce proceedings before the Civil Judge, Senior Division, Aurangabad, and she seeks to transfer the case to the Civil Judge, Senior Division, Pune. She states that she has no independent source of income and is dependent on the savings of her elderly, bedridden parent. The distance between Pune and Aurangabad is 236 km, making it difficult for the applicant to attend the divorce proceedings in Aurangabad.
3. The respondent, though served, has not entered an appearance.

This matter was listed on 19/09/2024 solely to provide the respondent with further opportunity to appear, and the matter was adjourned to 18/10/2024. Today, no one has entered an appearance for the respondent.

4. For the reasons stated in the application, particularly that the applicant wife has no independent source of income and is dependent on her elderly parents, the application is allowed.

5. Prayer Clause 'A' of the application reads as under : -

'A) the Hon'ble High Court may be pleased to transfer the proceedings of Marriage Petition No.405/2022 pending before Ld. Jt. Civil Judge Senior Division, Aurangabad to the Ld. Civil Judge Senior Division, Pune, dist. Pune, and to pass the appropriate orders for the said purpose.'

6. In view of the above, the application is allowed in terms of prayer Clause 'A' as above.

7. However, it is directed that on the transfer of the petition, the applicant wife shall not seek adjournments in the matter unnecessarily. In the event, she seeks adjournment, she would inform the Advocate for the husband in advance so as to avoid inconvenience to the husband. The Courts at Aurangabad and Pune to provide video conferencing facilities to the husband to conduct the proceedings from Pune, if possible.

8. The parties to take common dates in all the matters pending in between them as far as possible. With above observation, the application is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.