



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 435 OF 2024

Sarika Dnyaneshwar Yewale

...Applicant

vs.

Dnyaneshwar Natha Yewale

...Respondent

Adv. Susan Abraham	Advocate for the Applicant (appointed through legal aid)
Adv. Mahesh B. Gupta	Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 13th DECEMBER 2024

P.C. :-

1. Head learned Advocate for the Applicant-wife and learned Advocate for the Respondent-husband.
2. There is petition for divorce filed by the Respondent-husband before the Court at Khed Rajgurunagar. The wife is praying for transfer the said petition to the Family Court at Ahmednagar.
3. The Applicant-wife is residing in one village Loni Mavla, Tal. Parner, District Ahmednagar. She has filed proceeding under the protection of Women from Domestic Violence Act before the

concerned Court of the JMFC. She is having two minor children. It is difficult for her to attend the Court at Khed Rajgurunagar.

4. The prayer is opposed on behalf of the Respondent-husband. It is for the reason there are offences registered against each other. One such offence is registered at Ghodegaon Police Station on 20.05.2023. The husband is resident of village Gangapur, Tal. Ambegaon, District Pune. His case is when the wife had come to his house, husband was beaten. The details are there in para no. 10 of the affidavit. He apprehends danger to his life.

5. I am inclined to allow the prayer. In the above said facts, the transfer is justified. Otherwise, also the husband is attending the Parner Magistrate Court and his learned Advocate has placed on record the copy of the order dated 08.05.2024 granting maintenance to the wife and her children. It is taken on record and marked as 'Annexure-X'. Even though there is FIR, alleged incident took place at village Ghodegaon. This Court cannot make any comment about the happening of that incident, but certainly male can attend the Court which is at distance from his place of residence. If he is desirous, he can take assistance of anyone for attending the Court at Ahmednagar. It is

also submitted that counselling is pending in Rajgurunagar Court, however it can be done before Ahmednagar Court also.

6. Hence the Order:-

ORDER

(i) Misc. Civil Application is allowed.

(ii) The Divorce petition No. 600 of 2023 filed by the Respondent-husband before the Court at Khed Rajgurunagar is transferred to the Family Court at Ahmednagar

7. The learned appointed Advocate for the Applicant be paid fees as per the Rules.

[S. M. MODAK, J.]