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65-MCA-7-2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

65 MISC.CIVIL APPLICATION NO. 7 OF 2022

Sivani Machindranath Somarde

VERSUS

Machindranath Ganpat Somarde

...

Mr. Madhukar Gajanan Kolse Patil, Advocate for Applicant.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocate for the applicant.
2. In spite of service, none appears for the respondent.
3. This Application is filed by the applicant wife seeking transfer of the proceeding bearing Hindu Marriage Petition No.142 of 2021 pending in the Court of learned Civil Judge, Senior Division, Karad to the Court of learned Civil Judge, Senior Division, Ahilyanagar.
4. The husband has filed the proceeding under Sections 9 and 13(i) (b) of the Hindu Marriage Act at Karad. The applicant-wife has filed this application on the ground that she is presently residing with her parents

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at Ahilyanagar. She is also taking care of her child of 11 months age. She finds it difficult to attend the court proceedings at Karad, as the distance between two places is more than 250 k.m. Even a proceeding under Domestic Violence Act is already filed and pending in the Court at Ahilyanagar.

5. Considering above, this Court finds that a case is made out to allow the application. Hence, the following order.

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceeding of HMP No. 142 of 2021 pending in the Court of learned Civil Judge, Senior Division, Karad be transferred to the the Court of learned Civil Judge, Senior Division, Ahilyanagar.
- (iii) After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer.
- (iv) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the

adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

(v) The respondent-husband is at liberty to request the concerned Court for appearing through video conference.

(vi) With this, civil application stands disposed off.

[KISHORE C. SANT, J.]