



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

MISC.CIVIL APPLICATION NO. 46 OF 2024

**MUKTA NIVRUTTI SAGAR
VERSUS
NIVRUTTI BHIMRAO SAGAR**

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Advocate for Applicant : Mr. Kadam Annasaheb S.
Advocate for Respondent : Adv. Thakur Laxmi R.

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CORAM : KISHORE C. SANT, J.

Dated : January 28, 2025

PER COURT :-

1. Heard the parties.
2. This application is for transfer of matrimonial proceedings i.e. HMP No. 79 of 2022 pending in the Court of learned Civil Judge Senior Division, Mukhed Dist. Nanded to the Court of learned Civil Judge Senior Division Ausa, Dist. Latur. This application is filed by the wife. The proceeding is filed by the husband at Mukhed. It is stated in the application that the wife is residing presently with her parents at Ausa with her three years son. The distance is about 250 kms. It is difficult for her to attend the court proceedings by traveling so much distance. She further

prays for transfer of proceeding at AUSA.

3. The application is vehemently opposed by the learned Advocate for the respondent. He submits that in fact, the applicant is residing at Pune. She is appointed as a staff nurse in Indrayani Hospital and Cancer Institute at Pune. Though she is residing at Pune, only to harass the respondent, she is praying for transfer of proceeding. Even the husband resides at Pune. He further states that there is apprehension that there may be some incident of assault at AUSA, by inviting attention to the complaint that was filed by the respondent in Vishrantwadi Police Station. The application is thus vehemently opposed.

4. Considering the arguments and the fact that presently the applicant is residing at AUSA, this Court is inclined to allow the application. Hence following order :

ORDER

i. The application is allowed in terms of prayer clause "B".

- ii. After transfer, the learned Judge shall try to dispose of the proceedings as early as possible and preferably within 18 months from the date of transfer.
- iii. The parties to co-operate in disposal without seeking unnecessary adjournment.
- iv. If the applicant is found seeking unnecessary adjournment, the learned Trial Court may pass appropriate orders compensating the respondent husband when he attends the Court.

(KISHORE C. SANT, J.)