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53-MCA-48-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

53 MISC. CIVIL APPLICATION NO. 48 OF 2024

Priti Nilesh Athawale

VERSUS

Nilesh F/o Vishwanath Athawale

...

Ms. Sunita G. Sonawane, Advocate for Applicant.

Adv. A. S. Mantri, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 27th JANUARY 2025

PC :-

1. Heard the parties for some time.
2. This application is taken up for final disposal with the consent of the parties.
3. In the present case, the applicant-wife has approached this Court with a prayer to transfer the proceeding bearing Hindu Marriage Petition No.94 of 2023 presently pending in the Court of learned Civil Judge Junior Division at Daryapur Dist.Amravati to the Family Court at Aurangabad.
4. It is the case of the applicant-wife that, presently she is residing with her parents at Aurangabad. The distance between Daryapur and

Aurangabad is about 350 k.m. Being a lady, she faces difficulty in attending the Court at Daryapur. It is also further case that, in fact, the husband was very much staying at Aurangabad even after marriage for some time. After few years, it is the husband who left Aurangabad and went to reside at Daryapur. She thus prays for transfer of the proceedings.

5. The learned Advocate for the Respondent-husband vehemently opposes the petition. She submits that, even the wife who is having a home at Daryapur. This Application is filed only with a view to harass the respondent-husband.

6. Considering that, the applicant has to travel more than 350 k.m. when there is no proper connectivity. This Court is inclined to allow the application. Hence, the following order.

ORDER

- (i) Application is allowed in terms of prayer clause (B).
- (ii) After the proceeding is transferred, the applicant shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournment. If the Court finds that unnecessary adjournments are

sought by the applicant, the Court shall deal with it to compensate the respondent.

(iii) The learned Judge, Aurangabad shall try to dispose of the proceeding as early as possible and preferably within two years from the transfer of the proceeding.

(iv) The Court shall also liberally consider the request of the husband if he appears through VC.

(v) With this, application stands disposed of.

[KISHORE C. SANT, J.]