



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

MISC.CIVIL APPLICATION NO. 121 OF 2024

AISHWARYA TUSHAR ITEWAD

VERSUS

TUSHAR VIJAYKUMAR ITEWAD

...

Advocate for Applicant : Mr. Kothari Pratik P.
Advocate for Respondent sole : Adv. Suvarna M. Zaware

...

CORAM : KISHORE C. SANT, J.

Dated : January 28, 2025

PER COURT :-

1. Heard the parties.
2. This application is at the instance of wife for transfer of proceedings of Petition (A) No. 271 of 2023 pending before the learned Family Court, Ahmednagar to the Court of learned Civil Judge Senior Division, Umerkhed, Tal. Yavatmal. The husband has instituted proceedings under Hindu Marriage Act for divorce. It is submitted that the distance between two places is more than 500 kms. The wife has also filed criminal complaint at Umerkhed. Now the charge-sheet is filed and the case is registered as RCC No. 284 of 2024 and the same is pending before the learned

Judicial Magistrate First Class at Umerkhed. He thus submits that, in any case the husband is required to attend the Court at Umerkhed, it would be thus, in the interest of justice to transfer the proceedings from the Court at Ahmednagar to the Court at Umerkhed Dist. Yavatmal.

3. The learned Advocate for respondent vehemently opposed the application. She submits that the respondent is ready to bear travelling expenses of the wife whenever she required to personally attend the Court. She further submits that, the proceedings is rightly filed in the Court having jurisdiction. There is no dispute about the jurisdiction. There is no propriety in transferring the petition when the respondent is ready to bear the expenses.

4. Considering the above submissions, this Court finds that mere giving travelling expenses would not be sufficient. The wife is required to travel also assumes importance. Travelling alone to such distant place would certainly be difficult for a lady. In view of the above, following order :

ORDER

- i. The application stands allowed in terms of prayer clause "B".
- ii. After transfer of the proceedings the learned Civil Judge Senior Division, Umerkhed, Tal. Yavatmal, shall try to disposed of the proceedings as early as possible and preferably within eighteen (18) months.
- iii. The wife shall not seek unnecessary adjournments in the matter.
- iv. If the Court finds that unnecessary adjournments are sought by the applicant-wife, it may pass appropriate order for compensating the husband, if he personally attend the Court.
- v. The respondent is at liberty to request the concerned Court for appearing through video conference.

(KISHORE C. SANT, J.)