



(1)

7-MCA-130-2024 modified

This order is corrected pursuant to speaking to minutes of order dtd.27.02.2025.

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

7 MISC.CIVIL APPLICATION NO. 130 OF 2024

Manisha Bhausaheb Aher

VERSUS

Bhausaheb Vijay Aher

...

Mr. Vijay B. Jogdand Patil and Jayraj P. Avhad, Advocate for Applicant.
Mr.K. S. Shukla, Advocate for the Respondent. (through VC)

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the parties.
2. This application is filed at the instance of applicant-wife for transfer of the proceeding i.e. Hindu Marriage Petition No.1788 of 2022 pending in the Court of learned 3rd Joint Civil Judge, Senior Division, Pune to the Court of learned Civil Judge, Senior Division, Vaijapur Dist. Aurangabad.
3. The learned Advocate for the applicant submits that, the applicant-wife belongs to poor family and she is presently residing with her parents at Gangapur Dist. Aurangabad. Though she has received the

notice to appear before the Court at Pune. Because of poor financial condition, she could not even attend the Court at Pune. She had engaged a lawyer. Though she was called by the lawyer at Pune, she is unable to effectively participate in the proceeding and in such circumstances, the application is filed.

4. The learned Advocate Mr.Shukla appearing for Respondent through Video Conferencing, vehemently argued that the petition is of year 2022. The evidence of the husband is already over. In spite of several chances, the wife has not remained present before the Court at Pune. The Court, in such circumstances, has fixed the matter for final hearing at the fag end of the trial, the present application is moved.

5. From the fact that the wife has not effectively participated before the Court at Pune it is evident from the submission of the parties. This also shows that the wife is not in a position to attend the Court proceeding at Pune. She could not even properly instruct her lawyer to effectively participate in the proceeding and it is for this reason now the matter has reached to a final stage without any evidence by the wife.

6. This Court finds substance in the submission of learned Advocate for the applicant. The proceeding is therefore required to be transferred to the learned Court at Vaijapur Dist. Aurangabad.

7. It requires to be observed that after transfer of the proceeding at Vaijapur, the wife would be at liberty to take steps to lead her own evidence including cross-examination of the respondent.

8. Hence, following order:-

ORDER

(i) Application is allowed in terms of prayer clause (b).

(ii) After the proceeding is transferred, the wife is at liberty to take such steps to bring on record her evidence including cross-examination of the respondent-husband.

(iii) The trial Court after transfer of the proceeding shall make an endeavour to dispose of the proceeding as early as possible and preferably within one year from the date of transfer.

(iv) The applicant-wife shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournments. If the Court finds that unnecessary adjournments are sought by the applicant, the

Court shall deal with it to compensate the respondent.

(v) The respondent-husband is at liberty to appear through Video Conferencing whenever possible. If such application is filed, the court shall consider application liberally.

(vi) With this, Application stands disposed off.

[KISHORE C. SANT, J.]