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901-MCA-222-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 MISC. CIVIL APPLICATION NO. 222 OF 2024

Komal W/o Sagar Pagariya

VERSUS

Sagar S/o Sandip Pagariya

...

Ms.Neha Bhimsen Kamble and Snehanjali Mohan Nimbalkar, Advocate
for Applicant.

Mr. Suyashkumar S. Jangada Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the parties.
2. This application is moved by the applicant-wife for transfer of Petition No. A-142 of 2024 from the learned Family Court at Jalgaon to the learned Family Court at Aurangabad.
3. The proceeding is initiated by Respondent-husband for divorce under Section 13A-1(i)(i-b) of the Hindu Marriage Act. It is the case of the applicant-wife that she is residing at Aurangabad with her parents. There is no one to accompany her to travel to Jalgaon to attend the

proceeding before the Family Court at Jalgaon. The distance is about 160 k.m. She prays for allowing the application.

4. The learned Advocate for the Respondent vehemently opposes the application. He submits that the wife need not attend the Court on each and every dates. It is sufficient if she appears only on material dates. Connectivity is not an issue as the distance is only of 160 k.m. He prays for rejection of the application.

5. The learned Advocate for the respective parties submits that parties had tried to settle the matter out of the Court but it could not be settled. Considering that the wife is residing at Aurangabad and in view of the settle position that when the matter is of matrimonial dispute, it is the convenience of the wife that would be normally looked into.

6. Considering above, this Court is inclined to allow the application. The application is therefore stands allowed in terms of prayer clause (B).

7. After the proceeding is transferred, 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 may pass

appropriate order compensating the respondent whenever he attends the court proceedings.

8. The learned Judge, Aurangabad shall try to dispose of the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer of the proceeding.

9. With this, application stands disposed of.

[KISHORE C. SANT, J.]