



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

2 MISC.CIVIL APPLICATION NO. 336 OF 2023

ARCHNA DIPAK DESHMUKH
VERSUS
DIPAK BHAUSAHEB DESHMUKH

Ms. Pratibha J. Bharad, Advocate for the applicant.
Mr. Rahul R.Karpe, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.
DATE : 04.02.2025

PC :-

01. Heard learned Advocates for the parties. This application is by a wife seeking transfer of a proceeding bearing HMP No. 65 of 2023, presently pending in the Court of CJSD, Ahmednagar to the Court of learned CJSD, Niphad, Dist. Nashik. It is case of the wife that the distance between the two places is about 160 kms. Presently, daughter and son of the couple are staying with the wife on Niphad of age 9 years and 5 years respectively. It is difficult for her to travel to Ahmednagar for attending the Court proceeding. There are two proceedings presently pending in the Court at Niphad, one for the maintenance under section 125 of the Criminal Procedure Code and now revision is pending against the order passed in said proceeding. Another proceeding is in respect of custody of children filed by the respondent-husband at Niphad.

Therefore, it would be of convenience to the parties to transfer proceedings from Ahmednagar to the Court at Niphad.

02. Learned Advocate Mr. Karpe vehemently opposes the application. He submits that he is ready to bear travelling expenses whenever wife attends the dates in the Trial Court at Ahmednagar. He submits that the respondent in-fact is working at Pune. The wife is also well qualified having degree in Engineering. So travelling alone cannot be said to be a reason to transfer the case. He thus opposes the prayer.

03. Learned Advocate Ms. Pratibha J. Bharad is appointed for the applicant through Legal Aid. This Court appreciates her efforts taken in the matter.

04. Considering that convenience of the wife needs to be seen in the matter of transfer of matrimonial proceeding, this Court is, therefore, inclined to allow the application. Hence, following order :-

ORDER

- (i) The Misc. Civil Application is allowed in terms of prayer clause (B).

- (ii) After transfer of the proceeding, the learned Trial Court is expected to dispose off the proceeding as early as possible and preferably within 18 months from the date of transfer.
- (iii) The applicant shall not seek unnecessary adjournments. If the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court shall pass appropriate orders compensating the husband, if he personally remains present in the Court on the dates.
- (iv) The Trial Court shall also grant dates looking to the convenience of the husband and according to the date in which other proceedings are kept before other Courts at Niphad.
- (v) The learned Advocate for the applicant appointed through Legal Aid will be entitled to receive remuneration as per rules.

[KISHORE C. SANT, J.]