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916 -MCA-368-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 MISC. CIVIL APPLICATION NO. 368 OF 2024

Sonali Vivek Ubale
VERSUS
Vivek Vishwas Ubale

...

Mr. Ganesh Laxmanrao Kedar, Advocate for Applicant.

Mr. P. S. Dikle and Mr. S. S. Thombare, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 3rd FEBRUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed seeking transfer of proceeding bearing P. A. No.48 of 2024 pending in the learned Family Court, Dharashiv (Osmanabad) to the Family Court at Latur.
3. The learned Advocate for the petitioner submits that the applicant-wife is presently residing with her parents at Latur. The proceeding was filed by respondent-husband in the Family Court at Dharashiv. The petition is filed under Section 13(1)(ia) of the Hindu Marriage Act.
4. The application is vehemently opposed by the learned Advocate Shri. Dikle. He submits that the proceedings is filed in the Court of proper

jurisdiction to entertain the proceedings under Hindu Marriage Act. The applicant-wife has filed this application only to harass the respondent-husband. The applicant-wife is well educated woman and she can attend the dates in the Court. She can travel on her own without requiring any company. The divorce proceeding is filed on the ground of adultery. The witnesses are residing close by to Dharashiv. This fact is also need to be considered. If the proceedings is transferred, even the witnesses have to travel a longer distance. The respondent-husband is in service. If he has to travel to Latur, he has to spent entire day. Though it is stated in the application that daughter is staying with the applicant-wife, daughter can stay with other members of the family. He has also produced on record the complaint that was filed by the respondent-husband and prays for rejection.

5. While considering application for transfer, this Court need not go into merits of the marriage petition. The trial is yet to start. The proceedings is only at the stage of filing written statement by the applicant-wife. It is difficult for the applicant-wife to travel to Dharashiv where the proceeding is pending. There are two daughters aged around 6 years

and another 3 and half years, which are staying with the wife. Since she has required with the time, it is difficult to her to attend the Court. It is thus prayed that the proceedings be transferred to the Court at Latur.

6. On the facts recorded in the above para, this Court finds that it would be in the interest of justice to transfer the proceedings to the family Court at Latur. Application is allowed in terms of prayer clause (C).

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-wife, the Court shall deal with it to compensate the respondent.

8. The learned Judge, Latur 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.]