



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

48 MISC.CIVIL APPLICATION NO. 365 OF 2023

SAU. VARSHA W/O OMKAR IJANTKAR

VERSUS

SHRI OMKAR S/O MADAN IJANTKAR

Mr.N.S. Salunke h/f. Mr. A.D. Khot, Advocate for the applicant.
Mr.P.B. Kadam, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.
DATE : 29.01.2025

PC :-

01. Heard learned Advocates for the parties. This application is filed seeking transfer of A Petition No. 379 of 2023 pending in the Family Court, Pune to the Family Court, Nanded. It is submitted that the respondent-husband has filed divorce proceeding at Pune. The applicant presently is residing with her parents at Nanded. The distance between the two places is more than 450 kms. It is difficult for the wife to travel such a distance all alone. There is already criminal case filed against the respondent for the offence punishable under section 498-A of the Indian Penal Code and other sections. The husband has already caused appearance in the said case. The wife has therefore prayed for transfer of the proceeding.

02. Learned Advocate for the respondent vehemently opposes the petition. He submits that the wife is an educated woman. She was also doing job for some time in Pune. After staying in Pune for some period, she has now shifted to Nanded. In the case under section 498-A of the IPC, her evidence is also over and thus there will be only one proceeding between the parties. Learned Advocate for the respondent also submits that the wife is from a political family having influence in the district. Her near relative is also in Police Department. Therefore, he has apprehension of danger to his life. He, thus, prays for rejection of the application.

03. After hearing the parties, this Court feels that it is convenience of the wife which needs to be seen. Considering the distance between the two places, it is desirable to transfer the proceeding to Family Court, Nanded. Hence, following order :-

ORDER

- (i) The misc.civil application is allowed.
- (ii) Proceeding bearing A-Petition No. 379 of 2023 pending in the Family Court, Pune stands transferred to the Family Court, Nanded.

- (iii) The parties to co-operate the Trial Court in early disposal of the proceeding. The applicant wife shall not seek unnecessary adjournments. If the Trial Court finds that the adjournment is unnecessarily sought, the Trial Court may pass appropriate orders compensating the respondent-husband, if he personally remains present.
- (iv) The applicant-wife shall not contact the respondent-husband in any way except in the Court premises.

[KISHORE C. SANT, J.]