



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

18 MISC.CIVIL APPLICATION NO. 152 OF 2024

SAU. NEHA W/O DHIRAJ MADAKE
VERSUS
SHRI. DHIRAJ S/O SANJAY MADAKE

Mr.M.G. Kolshe Patil, Advocate for the applicant.

Mr.A.B. Jagtap a/w. Ms. Pooja Makhija, Advocate for the respondent.

CORAM : KISHORE C. SANT, J.
DATE : 23.01.2025

PC :-

01. Heard. This application is filed for transfer of HMP P.A. No. 487 of 2024 presently pending before the learned Judge, Family Court, Pune to the Court of learned Judge, Family Court, Aurangabad. The proceeding is filed for decree of nullity of marriage. It is case of the applicant that she is residing at Aurangabad. She has already filed petition for restitution of conjugal rights in the Family Court, Aurangabad and also maintenance proceeding, wherein the respondent has to attend the Court. Travelling to Pune is difficult as there is no one to accompany the applicant. The distance between the two places is more than 200 kms. It is, therefore, prayed to transfer the proceeding.

02. Learned Advocate for the respondent vehemently opposed the application. He submits that the proceedings at Aurangabad are filed subsequent to the proceedings filed at Pune. He is ready to incur the charges/expenses whenever the wife attends the Court at Pune. Considering the nature of his job, he finds it difficult to take leave. His

ailing parents are staying with him. There is no one to attend them.

03. However, considering that the wife is at Aurangabad, it is always desirable to transfer the proceeding at Aurangabad, since the respondent also has to attend his proceeding at Aurangabad. Hence, following order :-

ORDER

- i) The proceeding of HMP P.A. No. 487 of 2024 pending in the Family Court, Pune stands transferred to the Family Court, Aurangabad.
- ii) After transfer of the proceeding, the learned Trial Judge shall make endeavour to decide the proceeding as early as possible and preferably within one year from the date of transfer.
- iii) The respondent is at liberty appear before the Trial Court through Video Conference whenever possible.
- iv) The applicant wife shall not seek unnecessary adjournments. If the Trial Court finds that the adjournments are unnecessarily sought by the wife, the Trial Court may impose costs to compensate the travelling expenses of the respondent-husband.
- v) The misc. civil application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]