

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

14. MCA/29/2014

SRADDHA PRAVIN BHARAT
V/S
PRAVIN BABASAHEB BHARAT

Mr. A.N. Nagargoje, Advocate for applicant.

Mr. S.B. Parnere, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 19th August, 2015.

ORDER :

1. The application is filed for transfer of H.M.P. No. 94/2013 which is pending in the Court of Civil Judge, Senior Division, Ahmednagar. Transfer is sought to the Court of Civil Judge, Senior Division, Jalgaon and the present proceeding is filed by the wife.

2. Heard the learned counsel for the applicant. The learned counsel for the husband strongly opposed the application by contending that not only H.M.P.No. 94/2013 is pending in the Court of Ahmednagar, but one criminal case filed against the wife and her relatives is also pending in the Court from Ahmednagar.

3. The submissions made show that the wife has filed a

proceeding for restitution of conjugal right bearing H.M.P. No. 648/2012, which is pending in the Court of Civil Judge, Senior Division, Jalgaon. The wife is resident of Bhadgaon and Jalgaon is situated at the distance of around 60 k.m. from Bhadgaon. Ahmednagar is situated at the distance of 255 k.m. from Bhadgaon as per the submissions made by the learned counsel for wife. On the other hand, the husband is serving in Khanapur, Tahsil Shevgaon, District Ahmednagar. From this place, Jalgaon is situated at the distance of 120 k.m. as per the submission made by the learned counsel for wife and according to the learned counsel for husband, the distance is around 280 k.m.

4. The learned counsel for husband submitted that if this Court is not inclined to transfer the matter, the matter may be transferred to Aurangabad and the other matter filed by wife may also be transferred to Aurangabad.

5. The submissions made show that applicant/wife is house wife. The husband is serving as a teacher and he is getting salary of around Rs. 30,000/- as per the submissions made by the learned counsel for wife. The learned counsel for husband submitted that the wife has completed D.Ed. course and she is serving as a teacher. Husband has information that

she is serving somewhere but there are no details with him.

6. From the aforesaid circumstances, it can be said that the wife approached the Court first by filing proceeding under section 9 of Hindu Marriage Act. She is the house wife and for going to Ahmednagar, she will be required to take male person with her. For her convenience and to see that she can contest the matter effectively, this Court holds that H.M.P. filed by husband for relief of divorce needs to be transferred to the Court of Civil Judge Senior Division, Jalgaon, where the proceeding filed by the wife under section 9 of Hindu Marriage Act is pending. The new Court can see that both the proceedings are kept on the same date, so that the husband is not required to go twice for two cases. Thus, care of convenience of husband is taken even if the matter is transferred to the Court from Jalgaon.

7. In the result, the application is allowed. The proceeding bearing H.M.P. No. 94/2013, presently pending in the Court of Civil Judge, Senior Division at Ahmednagar is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division from Jalgaon where H.M.P. No. 648/2014 is pending. The new Court is to see that both these proceedings are kept on the same date, so that no inconvenience is caused

to the parties. The trial Court is to see that both the proceedings are expeditiously disposed of and in any case within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

ssc/