

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

MISC. CIVIL APPLICATION NO. 41 OF 2015

Sau. Kirti w/o Lavesb Chaudhari,
Age: 24 years, Occ: Household,
R/o. C/o. Shri Sunil Nivrutti Patil,
Plot No. 32, Sunita Smiriti,
Moreshwar Nagar, Jalgaon Road,
Bhusaval, Tq. Bhusaval,
Dist. Jalgaon.

...Applicant

versus

Shri. Lavesb Divakar Chaudhari,
Age: 29 years, Occ: Service,
R/o. Lane No. 1, S.No. 3,
Laxmi Nagar, Kondhwa Bk.,
Pune, Tq. Haveli, Dist. Pune.

...Respondent

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Mr. Ujwal S. Patil, Advocate for applicant
Mr. N.P. Ghanwat. Advocate h/f Mr. K.B. Awtade, Advocate for
respondent

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CORAM : N.W. SAMBRE, J.

DATE : 28th JULY, 2015

ORAL ORDER :

Hindu Marriage Petition No. 394 of 2014 at the behest of applicant-wife is already pending before the Court of Civil Judge, Senior Division, Bhusaval. By way of present Misc. Civil Application, the applicant-wife has sought transfer of the proceedings bearing No. PA. 782 of 2014 pending before the Family Court, Pune, as according to her, for attending the proceedings at Pune she is facing

hardship as there is no senior male member in the family to support and accompany her for conducting the proceedings at Pune.

2. The prayer is opposed by learned Counsel for the non-applicant husband on the ground that the proceedings at Pune are already set in motion and the husband is ready and willing to bear expenses to the extent of Rs.1000/- for each date of hearing of the proceedings pending at Pune. According to him, present application is liable to be rejected.

3. In my opinion, having regard to the fact that H.M.P. No. 394 of 2014 initiated by the applicant since is pending at Bhusaval, it will be in the fitness and interest of things that the proceedings which are initiated and pending at Pune at the behest of husband be transferred to Bhusaval and be heard together so as to avoid inconvenience to both the parties.

4. As such, present application stands allowed in terms of prayer clause (B), which reads thus :

“B. Issue a writ of mandamus or any other appropriate writ thereby directing the transfer and or consolidation of the “Divorce Petition” bearing PA No. 782/2014 pending on the file of Hon'ble Family Judge

Pune (Court No.5) with the petition seeking Restitution of Conjugal Rights bearing H.M.P. No. 394 of 2014, to the file of Hon'ble Civil Judge Senior Division, Bhusaval for disposal.”

[N.W. SAMBRE, J.]