

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

Misc. Civil Application No.82 of 2016

Geetanjali w/o Ravindra Dadke. .. **Applicant.**

Versus

Dr. Ravindra s/o Dattatraya Dadke. .. **Respondent.**

Shri. B.G. Deshmukh, Advocate, for applicant.

Shri. G.L. Deshpande, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 9th JUNE 2016.

ORDER:

1) The application is filed for transfer of proceeding bearing Petition PA No.1452/2014 presently pending in the Family Court Pune to the Court of the Civil Judge Senior Division Latur. Heard both the sides.

2) The wife has filed application for transfer by contending that she is required to take care of her issue aged about 11 years. It is her case that she will be required to go to Pune with attendant and she may face

difficulty in going to Pune due to this circumstance. It is her case that she is working as teacher in Latur and due to this circumstance also she will not be able to go to Pune on every date and she will not be able to contest the proceeding effectively. It is her case that she has filed a proceeding under the Protection of Women from Domestic Violence Act at Latur and that was filed on 14-10-2014 and in any case the husband will be required to come to Latur to contest that matter. It is her case that no inconvenience will be caused to the husband if both these matters are brought at one and the same station.

3) The husband has filed reply and he has contended that he has filed proceeding for divorce on the ground of cruelty and adultery and he has some record including compact disk to prove his case and the case is ready for hearing. It is his case that recording of the evidence will be started soon and the hearing can be completed within few months. Learned counsel for the husband submits that the husband will bear the travelling expenses and so there is no need of transfer of the matter. Learned counsel for the husband submits that the father

of the wife is Assistant Police Inspector working at Latur and the husband has received threats from the family of the parents of the wife and he is afraid that something will be done against him if he goes to Latur.

4) It is fact that the proceeding under the Protection of Women from Domestic Violence Act, 2005 was filed by the wife first on 14-10-2014 and the husband filed proceeding on 24-12-2014. Though the submission is made that the date of the proceeding is fixed on 20-6-2016 in the proceeding filed by the wife as notice was served recently, the fact remains that the proceeding was filed earlier in time. There are many reasons for which delay is caused for serving and appearance. Possibility that filing of the proceeding was within the knowledge of the husband cannot be ruled out. Further the husband will be required to attend the proceeding filed by the wife and so no inconvenience will be caused to the husband if the both the matters are brought at one and the same station. This Court holds that the fear expressed by the husband is groundless. Considering the fact that the husband was running coaching classes in the past and so he will

definitely take proper steps if there is some truth in the threats. This Court holds that to enable the wife to contest the matter effectively the proceeding filed for divorce needs to be transferred to Latur.

5) In the result, the application is allowed. The aforesaid proceeding bearing P.A. No.1452/2014 is withdrawn from the Family Court Pune and is transferred to the Court of the Civil judge Senior Division Latur. The new Court to take care and see that the date of the present matter is fixed in such a way that it matches with the date fixed in the case filed under the Protection of Women from Domestic Violence Act, 2005 so that no inconvenience is caused to both the sides. The divorce proceeding is to be expeditiously disposed of and any in case within six months from the date of receipt of the record from the previous Court. The parties to appear before the new Court on 20th June 2016. Authenticated copy to both the sides.

Sd/-
(T.V. NALAWADE, J.)

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