

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

7 MISC.CIVIL APPLICATION NO. 143 OF 2015

SOU.DEVYANI W/O SACHIN PIWAL
VERSUS
SHRI.SACHIN S/O VASANT PIWAL

Shri. Rajendra S. Kasar, Advocate, for applicant.

Shri. M.G. Biradar, Advocate, holding for Shri. P.R.
Katneshwarkar, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 16th MARCH 2016

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No. A-765/2012 presently pending in the family Court Pune which is filed for divorce by the respondent husband. Both the sides are heard.

2) It is the case of the wife that she has no source of income and she is facing problem for going to Pune. It is her case that she also has filed one proceeding for restitution of conjugal rights in the Court from Ahmednagar and so husband is required to come to

Ahmednagar to attend that proceeding and no inconvenience will be caused to him if both the matters are decided by Ahmednagar Court. It is her case that a proceeding under Protection of Women from Domestic Violence Act is also filed by her and it is pending in a Court from Ahmednagar.

3) Learned counsel for the husband submits that the husband has closed the evidence and the case is kept for evidence of the wife. He submits that as per his information, affidavits of mother and sister of the wife are filed and they will be cross examined by the husband within few days and then the matter can be disposed of. He submits that as per order of the family Court the husband is paying Rs.700/- on each date to the wife as expenses for coming to Pune.

4) Learned counsel for the husband submits that brother of the wife had picked up quarrel with the Advocate of the husband in Ahmednagar and report was required to be given against the brother and so the husband feels that he will be obstructed by the family

members of the wife if the matter is transferred to Ahmednagar.

5) Admittedly, wife has no source of income. It is not certain as to for how many more dates the matter will be adjourned. The matter was filed in the year 2012 and it is now 2016 but the matter is not yet decided. Considering the age of the wife it can be said that she is required to take one attendant for attending the matter in Pune. In view of these circumstances this Court holds that to enable the wife to contest the matter filed against her for divorce effectively the matter needs to be transferred to the Court from Ahmednagar. As other two more matters are pending in the Courts from Ahmednagar no inconvenience will be caused to the husband as he will be required to come to Ahmednagar to contest those matters. Care of convenience of both the sides can be taken by the new Court. In the result, following order :-

6) The application is allowed. Proceeding No. A-765/2012 (Sachin Vasant Piwal v. Devyani Sachin Piwal) presently pending in the Family Court Pune is withdrawn

from that Court and it is transferred to the Court of the Civil Judge, Senior Division, Ahmednagar where the Hindu Marriage Petition filed by the wife for restitution of conjugal right is pending. The new Court is to take care and see that the dates of the matters filed for divorce and restitution of conjugal rights match the date which is given in the proceeding filed under Protection of Women from Domestic Violence Act so that no inconvenience is caused to either side. The parties to appear before the new Court on 30th April 2016. The new Court is to see that both the matters are decided within months weeks from the date of receipt of the record from the previous Court.

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

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