

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

MISC. CIVIL APPLICATION NO. 142 OF 2014

Bebishala alias Anjali w/o.
Manik Rathod

....Applicant.

Versus

Manik Haribhau Rathod

....Respondent.

Mr. R.B. Ade, Advocate for appellant.

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

CORAM : T.V. NALAWADE, J.

DATED : 29th June, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No.9/2013 filed by respondent husband from the Court of Civil Judge, Senior Division, Majalgaon to the Court of Civil Judge, Senior Division, Jalna. Both the sides are heard.

2. The aforesaid proceeding is filed by husband for dissolution of marriage. The wife, present applicant had appeared in the said proceeding and then she filed proceeding u/s. 9 of Hindu Marriage Act in the month of July 2013. It is her case that the two proceedings need to be decided by the same Court to avoid the conflicting decisions. It is the case of wife that she is serving as a teacher and at present, she is posted in

District Parbhani, but she has kept her issue at Jalna. It is her case that as proceeding filed by her is pending in Jalna Court, for aforesaid reason and for her convenience, the matter filed by husband needs to be transferred to Jalna Court.

3. The husband has opposed the application by contending that only to harass him, the wife has filed the proceeding for restitution of conjugal rights and present proceeding is also filed to harass him. It was submitted that the contention of the wife made in proceeding filed by her could have been considered in a proceeding filed by husband and so, the proceeding subsequently filed by wife need not be considered. There is force in the submissions made for the husband. The record is produced to show that wife is posted at Sailu, District Parbhani as a teacher and notice of the petition filed by husband was served on her on that address. Thus, she is resident of Sailu and not Jalna. In spite of these circumstances and when the last cohabitation took place at Majalgaon, she filed proceeding in Jalna Court. This Court had expressed that both the proceedings can be brought in one Court, the Court from Jalna, but the counsel for the wife submitted that his client is not ready for the same. This Court holds that in the matter filed by husband, everything can be decided. As wife is educated and

there are aforesaid circumstances, this Court holds that present application cannot be allowed. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/