

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

910 MISCELLANEOUS CIVIL APPLICATION NO. 54 OF 2015

DR. SAW. SHALINI SANJAY KHOPADE
VERSUS
DR. SANJAY MANKIRAO KHOPADE

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Advocate for Applicant : Mr. G. V. Wani, h/f Mr. S. S. Randive.
Advocate for Respondent : Mr. Rajendra S. Deshmukh.

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WITH

910 MISCELLANEOUS CIVIL APPLICATION NO. 43 OF 2017

DR. SANJAY KISANRAO KHOPADE
VERSUS
DR. SHALINI SANJAY KHOPADE

...

Advocate for Applicant : Mr. Rajendra S. Deshmukh.
Advocate for Respondent : Mr. G. V. Wani, h/f Mr. S. S. Randive.

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CORAM : **V. K. JADHAV, J.**
DATE : 30th March, 2017.

ORDER:

. In Miscellaneous Civil Application No.54 of 2015, wife / Dr.Shalini is seeking transfer of pending Hindu Marriage Petition No.144 of 2013 filed by the Respondent / husband against her for dissolution of marriage by a decree of divorce. Said Hindu Marriage Petition No.144 of 2013 is pending before the Civil Judge Senior Division, Dhule. Applicant / Dr.Shalini in Miscellaneous Civil Application No.54 of 2015 is seeking transfer of said Hindu Marriage

Petition No.144 of 2013 from Dhule to Nanded on the ground that after separation, she is staying at Nanded alongwith her parents.

2 In Miscellaneous Civil Application No.43 of 2017, the husband / Dr.Sanjay is seeking transfer of Hindu Marriage Petition No.A-65 of 2015 filed by the wife against him seeking a relief of restitution of conjugal rights. Said Hindu Marriage Petition No.A-65 of 2015 is pending before the Family Court, Nanded and by way of filing Miscellaneous Civil Application No.43 of 2017, husband / Dr.Sanjay is seeking transfer of said Hindu Marriage Petition No.A-65 of 2015 from Nanded to Dhule on the grounds as detailed in the petition.

3 Admittedly, after the separation, wife / Dr.Shalini is staying at Pune alongwith her son. Wife / Dr.Shalini has also initiated maintenance proceedings bearing Petition No.E-30 of 2015 before the Family Court, Nanded wherein the Presiding Judge of the Family Court, Nanded has returned the petition to the wife / Dr.Shalini for presenting it in the Court having local jurisdiction to hear the said application seeking maintenance. Wife / Dr.Shalini has challenged the said order passed by the Family Court, Nanded by filing Criminal Application No.5266 of 2016 wherein this Court by order dated 21st March, 2017 confirmed the said order passed by the Family Court

below Exhibit – 1 in the proceedings bearing Petition No.E-30 of 2015 with observations that husband / Dr.Sanjay has produced on record the documents pertaining to one diagnostic center started by wife / Dr.Shalini in Pune and that her son is also taking education at Pune itself. This Court has also observed that wife / Dr.Shalini is required to stay at Pune and there is clear probability that the wife is residing at Pune. However, wife / Dr.Shalini has filed the proceedings in the Court at Nanded.

4 In view of the above and in view of the facts that wife / Dr.Shalini is staying at Pune at present and husband / Dr.Sanjay has some apprehension in his mind to face the proceedings of Hindu Marriage Petition No.A-65 of 2015 at Nanded, in the peculiar facts of the case, it would be just and appropriate if both the pending Hindu Marriage Petitions bearing Hindu Marriage Petition No.144 of 2013 and Hindu Marriage Petition No.A-65 of 2015 transfer to the Family Court at Pune.

5 The learned counsel appearing for husband / Dr.Sanjay has however, made a request that both the matters be transferred to the Family Court at Aurangabad. In the backdrop of the peculiar facts of both the miscellaneous civil applications before this Court, both the

counsel under instructions agree to transfer the said pending Hindu Marriage Petitions to Family Court, Pune. The request made by the learned counsel on behalf of husband / Dr.Sanjay to transfer those petitions at Aurangabad cannot be considered for the reason that the same is not convenient for the wife and the husband is also staying at Dhule. Hence, the following order:

ORDER

- I. Hindu Marriage Petition No.144 of 2013 (Dr.Sanjay Vs. Dr.Shalini) pending before the Civil Judge Senior Division, Dhule shall be withdrawn from the file of Civil Judge Senior Division, Dhule and be transferred to the Family Court at Pune.
- II. Hindu Marriage Petition No.A-65 of 2015 (Dr.Shalini Vs. Dr.Sanjay) pending before the Family Court, Nanded shall be withdrawn from the file of the Family Court, Nanded and be transferred to the Family Court at Pune.
- III. Both the Hindi Marriage Petitions shall be heard together or with quick succession at Family Court, Pune by one and the same judge.

- IV. The parties shall appear before the Family Court, Pune on 27th April, 2017.
- V. On receipt of the record and proceedings of the said Hindi Marriage Petitions, the learned Judge of the Family Court, Pune shall dispose of both the petitions as expeditiously as possible and preferably within a period of six months from the date of receipt of the record.
- VI. Both the miscellaneous civil applications are accordingly disposed of.

[V. K. JADHAV, J.]

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